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*Filed Electronically*

June 15, 2026

Debbie-Anne A. Reese  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Subject: Kern River No. 1 Hydroelectric Project, FERC Project No. 1930-090;  
Updated Study Report Response to Public Comments**

Dear Secretary Reese:

Southern California Edison Company (SCE) is the owner and operator of the Kern River No. 1 Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC) Project No. 1930. Pursuant to the Code of Federal Regulations (C.F.R.), Title 18, Section 5.15(f) (18 C.F.R. § 5.15[f]), SCE submits this response to public comments on the Updated Study Report (USR).

A copy of this filing will be distributed to relicensing participants via email and will be posted on SCE's relicensing website at <https://www.sce.com/regulatory/regulatory-information/hydro-licensing/kr1>.

## **BACKGROUND**

Consistent with the Integrated Licensing Process regulations and FERC's Process Plan and Schedule for the relicensing of this Project, SCE filed the USR with FERC on March 13, 2026. Following filing of the USR, SCE held the required USR Meeting (in person and virtually) on March 26, 2026, and filed its USR Meeting Summary on April 10, 2026.

This filing responds to relicensing participants' requests for study modifications or new studies submitted within 30 days of the USR Meeting Summary. SCE has prepared responses to requests for study modifications and requests for new studies in the enclosed attachments. The deadline for FERC to issue its determination on study disagreements/amendments is July 13, 2026.

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SCE looks forward to continuing to work with FERC and relicensing participants as the relicensing of the Project proceeds. Should you have any questions regarding this filing, please contact Kadi Whiteside, SCE Relicensing Project Manager, by phone at (626) 807-3641 or by email at [karen.whiteside@sce.com](mailto:karen.whiteside@sce.com).

Sincerely,

DocuSigned by:  
  
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Wayne P. Allen  
Principal Manager

cc: Distribution List

Enclosures:

- Attachment A: SCE's Response to Public Comments on the Updated Study Report
- Attachment B: Maps 1 through 1g, Location of Recreation Survey Sites
- Attachment C: Stakeholder Comment Letters
- Attachment D: Distribution List

**Attachment A:  
SCE's Response to Public Comments  
on the Updated Study Report**

## INTRODUCTION

Southern California Edison (SCE) is the owner and operator of the Kern River No. 1 (KR1) Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC or Commission) Project No. 1930. SCE operates the Project under a 30-year license that was issued by FERC on June 16, 1998. The current license will expire on May 31, 2028. SCE is seeking a license renewal for its continued operation and maintenance of the Project.

FERC regulations at 18 Code of Federal Regulations (C.F.R.) § 5.15(f) provide that any participant may file a disagreement concerning the Updated Study Report (USR) Meeting Summary within 30 days, setting forth the basis for the disagreement. Any such filing must also include any requested modifications to ongoing studies or proposed new studies. Importantly, FERC's regulations impose a high threshold for justifying study modifications and new studies at the USR stage of the Integrated Licensing Process (ILP).

Any proposed study modification must be accompanied by a showing of good cause why the proposed modification should be approved and must demonstrate that the study for which the modification is proposed:

1. Was not conducted as provided for in the approved study plan; or
2. Was conducted under anomalous environmental conditions or that environmental conditions have changed in a material way.

For any request for a new study or new information gathering, FERC's regulations require the requestor to demonstrate extraordinary circumstances warranting approval and to include in the request a statement explaining:

1. Any material changes in the law or regulations applicable to the information request;
2. Why the goals and objectives of any approved study could not be met with the approved study methodology;
3. Why the request was not made earlier;
4. Significant changes in the project proposal or that significant new information material to the study objectives has become available; and
5. Why the new study request satisfies the study criteria in § 5.9(b).

## COMMENTS RECEIVED

Three relicensing participants filed comments with FERC in response to SCE's USR / USR Meeting Summary:

- United States Department of Agriculture, Forest Service, Sequoia National Forest (Forest Service)
- California State Water Resources Control Board (State Water Board)
- Kern Gateway Trail Committee (KGTC)

General comments on the studies are not addressed in this filing. Many similar comments were submitted by the Forest Service and KGTC on SCE's Draft License Application. Detailed responses to stakeholder comments on the Draft License Application are provided in Appendix E.4 of SCE's Final License Application (FLA), filed with FERC on May 27, 2026.

The Forest Service did not request any new studies or modifications to existing studies. The Forest Service's concerns related to methylmercury are addressed in the FLA; refer to Exhibit E, Section 7.3, Water Quality. The Forest Service's concerns related to recreation are also addressed in the FLA—refer to Exhibit E, Section 7.10, Recreation—in addition to in the Response to Comment Table filed in Appendix E.4. The State Water Board requested one modification to the AQ 2 – Water Quality / Water Temperature study. KGTC requested a study modification to the REC 2 – Recreation Facility Use Assessment study and proposed a new study to assess suppressed recreation demand.

Comments requesting study modifications or new studies are summarized below, followed by SCE's responses.

## **STATE WATER BOARD**

### **AQ 2 – Water Quality / Water Temperature Study Modification Request**

#### **State Water Board's Request:**

“State Water Board staff have reviewed the USR. As explained in Appendix B AQ 2 – Water Quality / Water Temperature Memorandum, turbidity measurements were not collected during the 2024 sampling year due to inconsistencies between the written description of sampling requirements and the table in the Technical Study Plan (TSP). SCE collected turbidity data in 2025 during seasonal sampling and at additional times to supplement the record.

“Turbidity is a key indicator of sediment disturbance, watershed condition, and potential project-related effects. The lack of 2024 turbidity data limits the ability to fully characterize existing conditions and assess interannual variability. To ensure a complete record consistent with the intent of the TSP, and to support an accurate assessment of existing conditions and potential Project effects, State Water Board staff recommend that SCE conduct an additional year of turbidity monitoring, preferably during a hydrologic year type other than a Wet Year.”

**SCE's Response:** SCE does not propose adopting the study modification as requested, which would involve collecting one set of turbidity measurements in the late spring and one set in the fall disconnected from other water quality parameters and the temporal flow patterns of the Kern River. The spatial turbidity data collected in 2025 exhibited consistent and logical patterns, and there is no indication that the relative spatial turbidity relationships would be different in 2026. Moreover, the limited temporal scope of the 2025 data, combined with the two discrete sampling events proposed by the State Water Board, would provide only a limited understanding of how turbidity varies over time in the Kern River. SCE believes a more informative approach is to collect turbidity data continuously, for a period of time, to better characterize temporal variability and capture turbidity conditions across a broader range of flow regimes, seasonal conditions, operational conditions, and storm events providing temporal variability within the Kern River.

Accordingly, SCE proposes to continuously monitor turbidity upstream of Democrat Dam Impoundment and downstream of Democrat Dam (at the existing U.S. Geological Survey gaging station) through the end of 2026. In support of ongoing coordination with the State Water Board regarding permitting of sediment management activities at Democrat Dam, SCE installed continuous turbidity monitoring equipment at these locations in early March 2026. The monitoring equipment will collect data through December 31, 2026. SCE will provide the resulting data to the State Water Board and file it with FERC following completion of the monitoring period.

The State Water Board's recommendation is intended to improve characterization of existing conditions and potential Project effects. SCE's proposed monitoring effort will provide additional turbidity information upstream and downstream of the Democrat Dam diversion, including data collected under hydrologic conditions different from those represented by the 2025 sampling effort. When considered together, the 2025 turbidity data and the continuous monitoring data collected during 2026 will provide a more robust basis for characterizing existing conditions and evaluating potential Project effects. Accordingly, SCE does not believe that a separate additional year of study conducted solely to collect two sets of turbidity measurements is warranted because the information sought by the State Water Board will be more comprehensively addressed through SCE's proposed monitoring plan.

## **KERN GATEWAY TRAIL COMMITTEE**

### **REC 2 – Recreation Facility Use Assessment Study Modification Request**

KGTC's comment letter included four requests to modify the REC 2 – Recreation Facility Use Assessment. Each request is identified below followed by SCE's response. To support SCE's responses regarding Project trails, enclosed with this filing is a map series showing the locations of Project trails, including the five trails evaluated in the REC 2 study, in relation to the proposed FERC Project boundary, Project facilities, Forest Service day use areas, and the five undeveloped locations identified as potential river

access points in the REC 2 study. The map series also identifies the locations of the nine trail self-survey boxes and five TRAFx counters. A version of this map series is also included as part of the REC 2 Technical Memorandum (TM) filed with the FLA.

In summary, and as described in SCE's responses to each KGTC request, none of KGTC's study modification requests meet the requirement under FERC's regulations at 18 C.F.R. § 5.15(d). The study modification requests do not demonstrate that the study was (1) not conducted as provided for in the FERC-approved study plan or (2) conducted under anomalous environmental conditions or that environmental conditions have changed in a material way.

- **KGTC Request No. 1:** "Install TRAFx infrared counters and visitor survey collection equipment at the Penstock/Forebay Trail and Overflow Spillway Trail access area, after removal of the unauthorized No Trespassing sign at that location, and collect data for a minimum of 12 continuous months."

**SCE's Response:** SCE does not propose adopting this study modification. The REC 2 – Recreation Facility Use Assessment was conducted in accordance with the FERC-approved study plan, which was developed in consultation with the KR1 Recreation Technical Working Group (TWG). The Recreation TWG is composed of stakeholders interested in recreation issues associated with the relicensing process, including representatives from KGTC. The study was designed to characterize recreation use under existing conditions, including existing access configurations and restrictions. Prior to study development, throughout study implementation, and continuing today, the Forebay Operations Area Parking Lot is secured by a locked gate, upon which there is signage that indicates "No Trespassing." These access controls pre-date the relicensing process and represent a longstanding feature of the recreation setting.

The approved study plan did not include installation of a self-survey box or trail counter in the Forebay Operations Area Parking Lot, which has access to the Penstock/Forebay Trail and Overflow Spillway Trail (collectively referred to as the Penstock/Forebay Trails). Installation of a self-survey box and of a trail use counter at this location was considered during development of the REC 2 study but was not selected due to safety and security concerns. These concerns include the proximity to Project infrastructure that has been subject to ongoing vandalism. In addition, constrained access conditions preclude the availability of a safe parking area near the Forebay Operations Area Parking Lot from which visitors can access the Penstock/Forebay Trails.

Although data collection was not conducted at this specific access point, the REC 2 study plan expressly *excluded* this location for data collection. So, there is no basis for KGTC's assertion that the signage at this location (and the non-collection of data at this location) somehow amounts to an anomalous environmental condition under 18 C.F.R. § 5.15(d)(2). Based on the public and Project safety concerns described

above, the FERC-approved study plan plainly and intentionally excluded this location from data collection. SCE's adherence to the study plan cannot possibly be considered an anomalous environmental condition. Moreover, recreation use of the Penstock/Forebay Trails was captured through the broader trail user survey. The survey forms deployed at the five monitored trailheads asked respondents whether they had visited the Penstock/Forebay Trails within the past 12 months and, if so, the frequency of such visits. Maps included within the survey box lids enabled respondents to accurately identify and distinguish the various trail locations.

Of the 220 survey forms completed during the yearlong data collection period, 35 respondents (16 percent) reported visiting the Penstock/Forebay Trails within the past 12 months (REC 2, Table 5-25). These results indicate that only a subset of overall trail users use the Penstock/Forebay Trails and do not indicate that use levels at the Penstock/Forebay trails exceed those at other monitored trails, all of which exhibited low levels of recreation use (one to three users per day, on average, including use by SCE personnel), including on those trails not associated with restrictive signage.

The existing REC 2 study provides sufficient information to characterize recreation use patterns along Project trails under current conditions and therefore satisfies the study's objectives. Under 18 C.F.R. § 5.15(d), a study modification at the USR stage must be supported by "good cause," including a demonstration that the approved study was not conducted as provided in the study plan or was conducted under anomalous or materially changed environmental conditions. KGTC's Request No. 1 makes no such showing. Installation of self-survey boxes and trail counters at the Forebay Operations Area Parking Lot would not materially improve the understanding of Project-related recreation use and is therefore not warranted.

- **KGTC Request No. 2:** "Revise the out-and-back visitor count interpretation for the Cow Flat Creek Trail and any other trail with documented connections to the Forest Service Powerhouse Trail network, applying a methodology appropriate for connecting and through-hiking trails rather than the blanket two-activation-per-visitor default."

**SCE's Response:** SCE does not propose adopting this study modification. The REC 2 study was conducted in accordance with the FERC-approved study plan. In addition, the REC 2 TM presents the raw data collected from TRAFx counters in addition to providing site-specific interpretation of that data. Figures 5-3 through 5-7 in the REC 2 TM indicate the TRAFx counts for each trail over a period of more than one year (November 15, 2024, to November 23, 2025) without interpretation (i.e., raw data). Specific to the 0.13-mile Cow Flat Creek Trail that runs directly uphill from the shoulder of State Route (SR) 178 to the KR1 flowline (refer to Map 1c), the narrative states:

*... the average daily trail count was 3.4, the median count was 5, and the mode was 0. Trail counts include SCE personnel who use the Cow Flat Creek Trail to access*

*infrastructure, conduct flow monitoring, and perform trail maintenance. Approximately four to 10 SCE personnel use the Cow Flat Creek Trail for non-recreational purposes each month, including hydrographers and civil maintenance crews. During a single visit, SCE personnel may pass the counter multiple times.*

As acknowledged in the REC 2 TM, the Cow Flat Creek Trail connects to the Powerhouse Trail, and some users may continue beyond the counter location before returning to their point of origin. While alternative travel patterns are possible, including loop use via other trails, such use would generally require coordination of transportation and is expected to occur less frequently than out-and-back travel. Consistent with standard practice for interpreting trail count data on trails with bidirectional use, the REC 2 study evaluates counts in the context of likely user behavior. Under reasonable assumptions regarding out-and-back travel, counter activations may represent multiple passes by the same individual during a single visit. However, even without applying any adjustment factor, recorded use levels remain low and support the conclusion that public recreational use of the Cow Flat Creek Trail, like other Project trails, is limited.

Accordingly, regardless of the specific interpretation applied to counter data, the REC 2 study consistently demonstrates low levels of trail use at this location, and in the Project area in general, throughout the study period. Under 18 C.F.R. § 5.15(d), a modification to an ongoing study at the USR stage must be supported by “good cause,” including a showing that the approved study was not conducted as provided in the study plan or was conducted under anomalous or materially changed environmental conditions. KGTC’s Request No. 2 identifies neither. The requested reinterpretation would not change the fundamental conclusion that trail use is low and therefore does not satisfy the standard for study modification under 18 C.F.R. § 5.15(d).

- **KGTC Request No. 3:** “Add a parking origin question to the REC 2 trail intercept survey instrument, asking visitors to identify which parking area or pullout they used to access the trail.”

**SCE’s Response:** SCE does not propose adopting this study modification, as KGTC’s proposed modification does not identify either factor under 18 C.F.R. § 5.15(d) warranting its requested modification. KGTC identifies no anomalous environmental conditions or any material change in environmental conditions, nor does it demonstrate that the REC 2 study was not conducted as provided for in the approved study plan. In fact, there is no dispute that the REC 2 study was conducted in accordance with the FERC-approved study plan. As directed by the REC 2 study plan, SCE consulted with the KR1 Recreation TWG to finalize the questions in the trail user survey form. The proposed trail user survey form was distributed by email to the Recreation TWG for review and input in March and April of 2023. In addition, SCE hosted a virtual meeting with the Recreation TWG on March 27, 2023, to, in part, solicit input on the self-survey forms for both day use areas and Project trails.

No members of the Recreation TWG submitted comments recommending that the survey form include a question regarding parking areas or pullouts used to access a trail.

Moreover, the requested information is not necessary to satisfy the objectives of the REC 2 study. The purpose of the trail user survey was to characterize recreation use patterns, visitor activities, and visitor experiences associated with Project recreation resources. Identifying the specific parking area or pullout used by individual trail users would not materially improve the characterization of recreation use, nor would it provide information necessary to evaluate recreation demand, access conditions, or recreation facility needs beyond what is already documented through field observations and prior access studies.

Further, information about parking availability and access conditions along the KR1 bypass reach has already been gathered and analyzed. Existing License Article 411 required SCE to develop an Access Improvement Plan to evaluate the feasibility of providing safe public access improvements within the bypass reach, in consultation with resource agencies and interested parties. The plan evaluated five sites identified in License Article 411, as well as two alternative sites suggested during the consultation process. Agencies and interested parties that SCE consulted with as part of the process included the Forest Service, California Department of Fish and Wildlife, California Department of Transportation, Kern County Search and Rescue, American Whitewater Affiliation, Kern River Outfitters, Sierra Club Kern-Kaweah Chapter, and others. On October 28, 1999, SCE filed the Access Improvement Plan, which concluded that none of the evaluated sites were feasible for development. Specifically, poor highway conditions precluded the construction of safe parking areas, and steep banks limited the feasibility of constructing access trails. The two alternative sites identified during consultation were also determined to be infeasible for improvements with the exception of constructing a trail from one informal parking area along SR 178 to the river (informally referred to as the Lucas Creek Parking Lot at Global Positioning System coordinates 35.480414, -118.710894). FERC approved the Access Improvement Plan in an order issued on May 2, 2000, concurring with SCE's feasibility determinations.<sup>1</sup> FERC's order is final and non-appealable, and KGTC presents no information demonstrating any change of circumstances since FERC's order.

Because the physical conditions and terrain within the bypass reach have not materially changed since completion of the Access Improvement Plan, collecting additional information regarding the parking locations used by trail visitors would not alter the conclusions reached in that analysis. As described throughout the FLA and other relicensing documents, the geography of the bypass reach is characterized by steep and rugged topography, with SR 178 dominating the available area between the river and the canyon walls. Accordingly, there are limited locations at which to

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<sup>1</sup> Accession No. [20000504-0339](#).

park to access Project trails and it is reasonable to assume that public users of Project trails take advantage of those locations near Project trailheads where the space between SR 178 and the canyon wall and/or the river is wide enough to safely park a vehicle. Consequently, the requested survey question would not provide information that would materially improve understanding of recreation access conditions or inform relicensing decisions and therefore does not demonstrate “good cause” or satisfy the standard for study modification under 18 C.F.R. § 5.15(d).

- **KGTC Request No. 4:** “Prepare a supplemental report documenting the specific access barriers (‘No Trespassing’ signs, locked gates, barbed wire obstructions) that were present at each project trail during the study period, and assess their effect on measured visitor counts using established suppressed demand or latent demand methodologies.”

**SCE’s Response:** SCE does not propose adopting this study modification, as KGTC’s proposed modification does not identify either factor under 18 C.F.R. § 5.15(d) warranting its requested modification. KGTC identifies no anomalous environmental conditions or any material change in environmental conditions, nor does it demonstrate that the REC 2 study was not conducted as provided for in the approved study plan. In fact, there is no dispute that the REC 2 study was conducted in accordance with the FERC-approved study plan. Contrary to KGTC’s request, the REC 2 study was expressly and appropriately designed to characterize actual recreation use under existing conditions, including current access configurations and restrictions—and not the hypothetical and unsubstantiated “suppressed” or “latent” demand envisioned by KGTC. As such, the study appropriately reflects the recreation environment as it currently exists, including site access conditions present during the study period.

The features identified in the comment—signage, gates, and fencing—are existing site conditions that are not only warranted to protect the security of Project infrastructure and public safety; these features pre-date the relicensing studies and are not attributable to study design or implementation but are, rather, features that were consistently present well before and throughout the study period. Accordingly, these features are appropriately reflected in the recreation use documented by the study and form part of the baseline recreation setting that the study was intended to evaluate. Further, it is inaccurate to characterize all these features as “access barriers.” Gates that restrict vehicle access are a barrier to vehicles, not to pedestrians and cyclists. Some trail users may prefer to hike in locations where vehicle access is restricted. Likewise, a barbed wire fence to restrict cattle movement is a barrier to cattle, not necessarily to trail users who can step over or through the fencing.

For transparency and clarity, each feature referenced in the comment is described by trail below:

- **Signage:** Only one of the five Project trails studied, the 0.30-mile Democrat Gage Trail (average daily trail count 1.5, median 2, and mode 0; refer to Map 1a), was located behind a gate that, during the study period, included “No Trespassing” signage. This gate is located at the top of Willow Spring Creek Road/Democrat Dam Road. The Democrat Gage Trailhead is approximately 1 mile downhill from the gate. Hikers seeking to access the Democrat Gage Trail may also access the trail from the Democrat Trail, a Forest Service trail extending from the ungated Democrat Beaches Road (a Forest Service road) to a midpoint on Willow Spring Creek Road.

The only other trails located behind a gate displaying “No Trespassing” signage—none of which were studied in REC 2—are those accessible from the Forebay Operations Area Parking Lot (the Penstock/Forebay Trails). The Forebay Operations Area Parking Lot is secured by a locked gate (refer to Map 1g), upon which there is signage that indicates “No Trespassing.” This gate and sign pre-date the relicensing process and represent longstanding features of the recreation setting. Refer also to the discussion associated with KGTC Request No. 1.

- **Gates:** Stark Creek Road contains two unsigned gates, one near the intersection with SR 178 and another approximately 500 feet from SR 178 (refer to Map 1e). Both gates pre-date the license application and REC 2 study. The gates were not installed by SCE, and SCE assumes their purpose is for a combination of traffic control and cattle management. Stark Creek Road leads to Dougherty Creek Road, Dougherty Creek Trail, and Stark Creek Trail.<sup>2</sup>
- **Barbed wire fencing:** The only fencing associated with a Project trail is the barbed wire fencing that extends across the Lucas Creek Trail near the trailhead (refer to Map 1d). The fencing was not installed by SCE and is understood to be associated with authorized grazing activities on National Forest System land. SCE personnel and users of Lucas Creek Trail (average daily trail count 1.7, median count 2, and mode 0) must step through or over the barbed wire to access the trail.

KGTC’s request to assess the effect of these features on visitor counts using what it refers to as “suppressed” or “latent” demand methodologies extends beyond the scope and objectives of the FERC-approved REC 2 study. The study was designed to document actual recreation use under existing site conditions, not to estimate recreation demand under hypothetical, unsubstantiated alternative access scenarios. Conducting a “latent” or “suppressed” demand analysis would require speculative assumptions regarding visitor behavior, access preferences, and recreation use under modified access conditions that are inherently subjective and unsupported by site-specific data collected for the study. Accordingly, SCE does not

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<sup>2</sup> Trail users may access the Stark Creek Trail via the Stark Creek Road or via an informal (not maintained by SCE or the Forest Service) trail near the base of Stark Creek Road that provides direct access to Stark Creek Trail.

propose or support such an analysis and concludes that it would not accurately characterize existing recreation use for relicensing purposes.

Further, the results of the REC 2 study consistently indicate low levels of use across all Project trails, averaging approximately one to three users per trail per day. This estimate includes both public recreationists and SCE personnel accessing Project facilities. In addition, because the TRAFx counters may record non-recreational triggers (e.g., livestock or vegetation movement), actual public recreational use is likely lower than recorded counts. The consistently low levels of observed use across all Project trails provide no indication that any sort of hypothetical "latent" or "suppressed" demand analysis would materially alter the study's conclusions regarding recreation use in the Project area.

## **KERN GATEWAY TRAIL COMMITTEE**

### **New Study Request: Suppressed Recreation Demand Assessment**

#### **KGTC's Request:**

"KGTC requests that SCE be directed to conduct a Suppressed Recreation Demand Assessment for the KR1 Project trail and parking system, using established latent demand or suppressed demand methodologies, to estimate the number of visitors who would use Project trails and associated parking under unimpeded access conditions."

#### **SCE's Response:**

First, the new study request does not meet FERC's regulatory standards. Under 18 C.F.R. § 5.15(f), any new study requested at the USR stage must (1) satisfy the "good cause" criteria for new studies in § 5.15(e) and (2) demonstrate "extraordinary circumstances warranting approval." KGTC's request fails to meet these requirements, as further described below.

Second, REC 2 already provides a sufficient basis for FERC's recreation analysis. KGTC's assertion that observed recreation use represents an alleged but unsubstantiated "suppressed baseline" of potential demand is speculative and not supported by site-specific data collected as part of the FERC-approved study. Consistent with standard practice in FERC relicensing proceedings, the REC 2 study was not designed to model hypothetical future demand under altered access conditions but, rather, to characterize actual, existing recreation use to inform FERC's evaluation of Project effects.

Further, two of the alleged "access barriers" KGTC identified (i.e., barbed wire fencing and locked gates at Stark Creek Road) do not actually present a barrier, as trail users are easily able to step over or through the barbed wire fence and to step around the few gates that prohibit vehicular access. In any event, these gates and the fence have no relationship to SCE operations or facilities. For example, the barbed wire fencing at Lucas Creek Trail is understood to be associated with authorized livestock grazing activities that are permitted

by the Forest Service, and the gates along Stark Creek Road appear to serve traffic control and livestock management functions.

Additionally, while it is possible that the single “No Trespassing” sign on the gate at Willow Spring Creek Road that is concerning to KGTC deterred some users from traveling past the gate, that is the intended function of that sign. As noted above and explained in detail in the FERC record,<sup>3</sup> it is wholly appropriate for SCE to limit public access to protect Project security and public safety. In addition, the results of the REC 2 study consistently indicate low levels of use across all Project trails. These findings are consistent across all trail locations and constitute substantial evidence that there is a low level of trail use in the Project area. Overall, the data collected provide a representative and methodologically sound basis for SCE’s recreation analysis and adequacy conclusions in the FLA. While KGTC is a private organization whose sole purpose is to develop a new trail system spanning the entire Kern Canyon, including the Project reach of the Kern River, even its own website acknowledges the absence of trail use in the canyon.<sup>4</sup> And yet, as the D.C. Circuit once admonished, the FERC relicensing process under the Federal Power Act (FPA) forbids the “if you build, they will come”<sup>5</sup> approach that KGTC has repeatedly advocated in this process. FERC—and all other agencies with decisional authority in this process—must base its decisions on actual facts in the record,<sup>6</sup> and here, all the evidence in this record consistently demonstrates very low recreational use of all trails associated with this Project. And FERC is not authorized under the FPA to require a study where, as here, there simply is no evidence of the alleged problem identified by KGTC.<sup>7</sup> Accordingly, SCE maintains that the REC 2 study results are valid, representative of existing conditions, and appropriate for use in assessing current recreation use and potential Project effects.

Beyond these reasons for denying KGTC’s proposed new study, its request fails to meet ILP standards under 18 C.F.R. § 5.15(e) and 18 C.F.R. § 5.9(b), as follows:

- **18 C.F.R. § 5.15(e)(1) — Material Changes in Law or Regulations**

**KGTC:** “KGTC is not aware of material changes in law or regulations specifically applicable to this information request since the REC 2 study plan was approved. However, this criterion does not exhaust KGTC’s showing; the remaining criteria independently establish good cause.”

**SCE’s Response:** KGTC admits that its request fails to identify any material change in applicable law or regulation since approval of the FERC-approved recreation study

<sup>3</sup> Accession No. [20251218-5273](#); Accession No. [20260527-5105](#); Accession No. [20250313-5015](#); Accession No. [20260313-5040](#).

<sup>4</sup> “The Kern Canyon . . . remains largely inaccessible by foot.” Kern Gateway Trail, <https://www.kerngatewaytrail.com/#trail> (last accessed June 11, 2026).

<sup>5</sup> *Bangor Hydro-Elec. Co. v. FERC*, 78 F.3d 659, 663-64 (D.C. Cir. 1996).

<sup>6</sup> 5 USC 706(2)(A); 16 USC 835(b).

<sup>7</sup> E.g., *Am. Mun. Power Inc.*, 163 FERC ¶ 62,212, at P 11 (2018) (citing *City of Centralia v. FERC*, 213 F. 3d 742, 749 [D.C. Cir. 2000]).

plan that would require the preparation of a suppressed recreation demand assessment or otherwise necessitate modification of the approved recreation studies. SCE agrees that there has been no such change in law or regulation since FERC's study plan determination that would justify its new study request. In fact, recent precedent confirms that KGTC's request to study an issue—trail use primarily outside the Project boundary and unassociated with public recreation at the Project—does not warrant study. As the U.S. Supreme Court recently instructed:

Importantly, the textually mandated focus of the National Environmental Policy Act (NEPA) is the “proposed action”—that is, the project at hand—not other future or geographically separate projects that may be built (or expanded) as a result of or in the wake of the immediate project under consideration.<sup>8</sup>

- **18 C.F.R. § 5.15(e)(2) — Why Goals of the Approved Study Could Not Be Met with Approved Methodology**

**KGTC:** “The approved REC 2 study plan was designed to measure actual recreation use at Project facilities. It was not designed to estimate latent or suppressed demand. These are methodologically distinct objectives: one measures visitors who arrived at the site; the other estimates the larger population who would have visited absent barriers. TRAFx infrared counters and intercept surveys—the approved REC 2 tools—can only capture the former. No modification to the approved REC 2 protocol can produce a suppressed demand estimate; a separate study using travel-cost modeling, comparable-site benchmarking, or barrier-removal scenario analysis is required.”

**SCE's Response:** KGTC's assertion regarding the scope of the FERC-approved REC 2 study is correct. The objective of the FERC-approved REC 2 study was to characterize use, including use of Project trails, under existing conditions. But that difference between the FERC-approved scope and KGTC's desired study does not warrant an entirely new study. In fact, it is well settled that the Commission's environmental baseline in hydropower licensing is the existing project under existing conditions.<sup>9</sup> FERC has repeatedly and consistently denied studies that would speculate on a hypothetical environmental baseline that KGTC's proposed study seeks to explore.<sup>10</sup> As noted above, the REC 2 study demonstrates very low public recreational use of all Project trails, and there is no evidence that SCE's management of this Project has created any alleged “latent” or “suppressed” demand. Lacking any such evidence, FERC cannot require the requested study.<sup>11</sup>

<sup>8</sup> *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colorado*, 605 U.S. 168, 186-87 (2025).

<sup>9</sup> *American Rivers v. FERC*, 201 F.3d 1186, 1195-96 (9th Cir. 2000) (affirming Commission's existing-environmental-conditions baseline as consistent with “the substantive and procedural requirements of both the FPA and NEPA”).

<sup>10</sup> See, e.g., *Brookfield White Pine Hydro LLC*, 182 FERC ¶ 61,099, at P 23 (2023); *Alabama Power Co.*, 155 FERC ¶ 61,080, at P 104 (2016).

<sup>11</sup> *City of Centralia, Wash. v. FERC*, 213 F.3d 742, 749 (D.C. Cir. 2000).

- **18 C.F.R. § 5.15(e)(3) — Why the Request Was Not Made Earlier**

**KGTC:** “The need for a suppressed demand study was not apparent at earlier stages of the relicensing process because the REC 2 data and the on-record SCE admissions that make the adequacy question acute did not yet exist. The REC 2 TM was first distributed in February 2025, with a supplemental version in September 2025. SCE’s adequacy conclusion—and the specific contradictory data points, including parking overcapacity figures and the March 26, 2026, USR meeting admissions—became fully available to KGTC only through the USR process. This request is filed at the earliest practicable opportunity.”

**SCE’s Response:** KGTC’s rationale does not fairly reflect the transparent and public manner in which the scope and methodologies for REC 2 were developed and approved by FERC. While KGTC claims that opportunities to seek study of latency and suppression emerged only recently, that is incorrect. From the very beginning of the study plan development process, SCE was very transparent that the scope of the study was to determine existing and actual recreation use at the Project. All study methodologies—from the intercept surveys, to the condition assessment, to the self-service boxes—were transparently and obviously aimed at capturing existing recreation use. FERC approved the study plan based on that engagement, even though KGTC had a full and fair opportunity at that time—as well as subsequently at the Initial Study Report Phase, when study results (on existing recreational use only) began to emerge—to seek an expanded scope of the REC 2 methodology. But it never availed itself of this opportunity, even though the scope of the study plainly and obviously excluded any alleged suppressed or latent demand estimate.

Indeed, KGTC actively participated in study plan development, implementation, and review of study results and had multiple opportunities to propose a suppressed recreation demand study or recommend methodologies designed to estimate recreation demand under alternative access scenarios. However, no such study request was made during study plan development, nor was a suppressed-demand objective incorporated into the FERC-approved recreation studies.

Accordingly, KGTC has not demonstrated why its requested study could not have been proposed at an earlier stage of the licensing process.

- **18 C.F.R. § 5.15(e)(4) — Significant New Information Material to the Study Objectives**

**KGTC:** “The March 26, 2026, USR meeting produced significant new information: (a) SCE’s on-record admission that parking at two undeveloped access sites exceeded estimated safe capacity; (b) SCE’s confirmation that the Democrat Gage Trail bore a ‘No Trespassing’ sign throughout the study period; and (c) SCE’s confirmation that no data was collected at the Penstock/Forebay Trail area. Combined with REC 2 TM Table 5-9’s parking utilization figures of 133–250 percent of capacity, this constitutes significant new

information establishing that the REC 2 baseline reflects suppressed—not actual—demand, and that a suppressed demand study is necessary for an adequate FERC environmental review.”

**SCE's Response:** Contrary to KGTC's assertions, the March 26, 2026, USR meeting did not produce significant new information or any unexpected findings of suppressed recreation demand.

First, KGTC's reference to SCE's discussion of parking utilization at undeveloped access locations does not constitute new information. Parking observations and utilization estimates were documented in the REC 2 TM and were available for stakeholder review prior to the USR meeting. Moreover, the fact that parking demand occasionally exceeded estimated safe parking capacity at certain locations does not demonstrate suppressed recreation demand, nor does it establish that additional recreation use would occur under alternative access conditions. Rather, the observations reflect conditions that were documented and evaluated as part of the approved recreation study.

Second, the presence of a “No Trespassing” sign at the gate on Willow Spring Creek Road during the study period is not new information. The gate and associated signage pre-date the relicensing process and were existing site conditions throughout study implementation. As discussed elsewhere in SCE's responses, the REC 2 study was specifically designed to characterize recreation use under existing conditions, including existing access configurations. The existence of the sign was not newly discovered at the USR meeting and does not constitute significant new information.

Third, KGTC's assertion that the USR meeting confirmed that “no data was collected” at the Penstock/Forebay Trail area is inaccurate. The REC 2 study documented recreation use at Project trails and recreation facilities in accordance with the FERC-approved study plan. The fact that access to the Forebay Operations Area Parking Lot is restricted does not represent new information and was not first identified during the USR meeting. Moreover, KGTC has not demonstrated how this circumstance establishes suppressed recreation demand or supports the need for an entirely new study.

For these reasons, KGTC's request for a new study is not accompanied by any demonstration that SCE has made any significant change in the relicensing proposal, or that significant new information material to the study objectives has become available, as required by 18 C.F.R. § 5.15(e)(4).

- **18 C.F.R. § 5.15(e)(5) — Study Criteria Under 18 C.F.R. § 5.9(b)**

**KGTC:** “The requested Suppressed Recreation Demand Assessment satisfies all applicable study criteria under 18 C.F.R. § 5.9(b).”

**SCE's Response:** As demonstrated below, KGTC's request for a new study fails to meet the required criteria under 18 C.F.R. § 5.9(b).

- **18 C.F.R. § 5.9(b)(1) — Goals and Objectives**

**KGTC:** "Goal: Assess actual recreation demand for KR1 Project trails and parking facilities in the absence of access-suppressing barriers to provide an adequate informational basis for FERC's environmental review and license condition development.

"Objectives: (a) Estimate the number of visitors who would use Project trails under unimpeded access conditions; (b) quantify the functional relationship between specific parking areas—including the five Table 2 "incidental" areas—and specific Project trailheads; and (c) provide a data-supported basis for evaluating whether current trail and parking facilities meet present and foreseeable future demand under FPA § 10(a)(1)."

**SCE's Response:** The results of the REC 2 study consistently indicate low levels of use across all Project trails and low to moderate use at developed recreation sites. These findings are consistent throughout the study area and constitute substantial evidence that the recreation data collected to characterize trail use are not representative of suppressed recreation demand. Rather, the data collected during the REC 2 study provide a representative and methodologically sound basis for SCE's recreation analysis and adequacy conclusions presented in the FLA.

With respect to the specific study objectives:

- a) The requested objective assumes that existing access conditions suppress recreation use and seeks to estimate recreation demand under hypothetical "unimpeded access" conditions. However, it is not demonstrated that the "access barriers" KGTC is concerned with are actually barriers to access (e.g., gates that restrict vehicle access are a barrier to vehicles, not to pedestrians and cyclists), and there is no evidence to suggest that removal of signage, gates, or fencing would have materially affected characterization of use. Many of these features serve purposes unrelated to recreation, including resource protection and implementation of grazing lease agreements, and it is unknown whether the Forest Service would authorize their removal. As such, to achieve the study objective would necessarily require assumptions about visitor behavior under modified access conditions and future management actions that are inherently speculative and would not provide a reliable basis for relicensing decisions.
- b) The requested objective would quantify relationships between parking areas and specific trailheads. However, none of the parking locations associated with undeveloped river access points included in the REC 2 study are located directly across from a Project trail included in the study (refer to Map series 1a to 1g). As noted in SCE's response to KGTC Request No. 4, there are limited locations at which to park to access Project trails and it is reasonable to assume that public

users of Project trails take advantage of those locations near Project trailheads where the space between SR 178 and the canyon wall and/or the river is wide enough to safely park a vehicle. Additional data collection associated with parking origins would not materially improve understanding of recreation access conditions, nor would it meaningfully inform relicensing decisions.

- c) The data collected as part of the REC 2 study provide a representative and methodologically sound basis for SCE's recreation analysis and adequacy conclusions in the FLA and are further supported by recreation data collected during prior relicensing efforts, such as those associated with Existing License Article 411 and the associated Access Improvement Plan (refer to SCE's response to KGTC Request No. 3).

- **18 C.F.R. § 5.9(b)(2) — Resource Management Goals of Agencies or Tribes**

**KGTC:** "KGTC is not a resource agency or Tribe; this criterion is addressed under § 5.9(b)(3) below."

**SCE's Response:** SCE agrees that this criterion is not applicable because KGTC is not a resource agency or Tribe.

- **18 C.F.R. § 5.9(b)(3) — Public Interest Considerations**

**KGTC:** "KGTC represents the public interest in recreation access to the KR1 project corridor. The Kern Canyon is the closest unit of the Sequoia National Forest to Bakersfield, a city of approximately 500,000 residents that is majority-Latino and lower-income. KGTC's petition has gathered 2,329 verified signatures from Kern County residents seeking improved trail access. The Bakersfield City Council voted unanimously in support of the Kern Gateway Trail (Resolution No. 185-2024). This documented, organized public demand is directly served by an accurate assessment of whether project facilities are adequate—a question the flawed REC 2 baseline cannot answer. The suppressed demand study directly advances the public interest in ensuring that a 40–50-year license is grounded in accurate recreation data."

**SCE's Response:** SCE acknowledges KGTC's general interest in improving public recreation access and recognizes the public support reflected in its petition and the Bakersfield City Council resolution. However, the public interest inquiry under FPA § 10(a)(1) is not simply whether recreation access is desirable. Instead, § 10(a)(1) requires a demonstrated nexus between the proposed measure and the waterway and its project purposes. As FERC has explained:

*Given that a project is primarily a water-based facility, it may not be hard to conclude that construction of a boat ramp, a fishing pier, or a hiking trail along the reservoir perimeter could be an appropriate environmental measure that serves a project purpose, if the need for that facility is established. These facilities would enable the public to better use the project lands and waters. It may be more difficult to justify*

*recreation that is more remote from the project site (as in a campground located 20 miles away from any project works). Similarly, it may be hard to draw a public interest connection between a project and a recreation feature that does not appear to be tied to the nature of the project. For example, a community near a project might consider itself to be in need of a public auditorium. It would be difficult to justify inclusion of such a requirement in a license, unless the parties could demonstrate, not just why the proposed measure is generally worthwhile, but, more specifically, how it is linked to the effects and purposes of the project.*<sup>12</sup>

FERC has applied this nexus requirement to decline to impose recreation measures that lack a sufficient connection to project waters.<sup>13</sup> Here, the requested suppressed demand study is premised on off-site, non-water-dependent recreation use that is not physically or operationally connected to the hydropower project or its waterway. The existence of community demand for recreation access in the region does not transform a request lacking that nexus into a cognizable basis for requiring an additional study.

The REC 2 study successfully achieved its approved objective of characterizing existing recreation use under current conditions. KGTC's request is premised on the assertion that recreation demand may be higher under hypothetical alternative access conditions. However, the possibility that additional recreation opportunities could exist does not demonstrate that the approved study results are inaccurate, nor does it establish that a suppressed recreation demand study is necessary for FERC's evaluation of Project effects.

Accordingly, SCE does not agree that public-interest considerations support the need for the requested study.

- **18 C.F.R. § 5.9(b)(4) — Existing Information and Need for Additional Information**

**KGTC:** “The REC 2 TM provides trail use counts and parking utilization data but cannot answer the central question: what is actual public demand in the absence of unauthorized barriers? The existing data has three structural gaps: (a) the Penstock/Forebay area—the highest-demand corridor—has no data; (b) the counter methodology undercounts through-hikers on connecting trails; and (c) the survey instrument collected no parking origin data, making it impossible to assess the functional relationship between parking and trail access. SCE's adequacy conclusion is built on this

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<sup>12</sup> *Settlements in Hydropower Licensing Proc. under Part I of the Fed. Power Act*, 116 FERC ¶ 61,270, at P 19 (2006).

<sup>13</sup> See *Wisconsin Public Service Corporation*, 104 FERC ¶ 61,295, at PP 32-33 (2003) (noting, with respect to decision not to require retention of certain recreation facilities within project boundary, that environmental assessment had found “these facilities are not directly associated with public recreational access to project waters or facilities” and concluding that facilities not included “have [insufficient] nexus to reservoir-based recreation and [similar facilities] are found elsewhere in the area.”); see also *Northern States Power Company*, 111 FERC ¶ 62,212, at P 31 (2005) (declining to include proposed recreation measures in license where it is unclear how measures address access to project lands or waters and when adequate recreational access provided by existing facilities).

incomplete and suppressed baseline. A suppressed demand study using the methodologies described under § 5.9(b)(6) below is necessary to fill these gaps.”

**SCE's Response:** KGTC's assertion that Project trail use would be substantially greater in the absence of alleged “unauthorized barriers” has no support in the relicensing record. First, it is not accurate to classify gates, fencing, or signage (the features KGTC is concerned with) as “unauthorized.” The Forest Service is responsible for approving facilities and use of National Forest System land, including gates, signage, and fencing. Second it is not accurate to classify these features as “access barriers.” Gates that restrict vehicle access are a barrier to vehicles, not to pedestrians and cyclists. Likewise, a barbed wire fence that restricts cattle movement is a barrier to cattle, not necessarily to trail users who can step over or through the fencing. Third, study data collected throughout the study period indicate generally low levels of observed use along Project trails, including along trails without “No Trespassing” signage, and low to moderate levels of use at developed day use sites. For example, REC 2 study results show that even on summer holiday weekends, none of the Forest Service–managed parking lots associated with the developed day use sites reached parking capacity and that, on average, only about 15 percent of available parking at developed recreation sites was occupied on monitored days. That on some survey days parking capacity at two small undeveloped river access points along SR 178 was exceeded is not an indication that parking capacity is, on the whole, inadequate. As such, neither the parking utilization data cited by KGTC nor the existence of gates, fencing, or signage (not all of which are SCE facilities) establishes the existence or magnitude of suppressed recreation demand. Overall, the data collected provide a representative and methodologically sound basis for SCE's recreation analysis and adequacy conclusions in the FLA.

- With respect to collection of data at the Penstock/Forebay area: KGTC's characterization of the Penstock/Forebay area as the “highest-demand corridor” is unsupported by evidence. Although data collection was not conducted at this specific access point, use of the Penstock/Forebay Trails was captured through the broader trail user survey, which found that only a subset of respondents identified they had previously used the Penstock/Forebay Trails. Refer to SCE's response to KGTC Study Modification Request No. 1.
  - Regarding the counter methodology: refer to SCE's response to KGTC Study Modification Request No. 2.
  - Concerning the survey form used to collect trail data: refer to SCE's response to KGTC Study Modification Request No. 3.
- **18 C.F.R. § 5.9(b)(5) — Project Nexus**

**KGTC:** “The nexus between the KR1 project and the need for this study is direct and multi-layered. First, the Project trails are project facilities—they are within the FERC

project boundary, maintained by the licensee, and described in the DLA as project access trails. The licensee's management choices (unauthorized 'No Trespassing' signs, locked gates, blocked parking) directly suppress use of those project facilities. Second, the SR 178 parking pullouts that trail users rely on to access Project trails are the same undeveloped river access sites where REC 2 TM Table 5-9 documents parking utilization of 133–250 percent of capacity. Third, the Project's diversion of the Kern River reduces the primary alternative recreation activity (river running) in the bypass reach, making trail hiking the dominant recreation opportunity—a connection SCE acknowledges in DLA Exhibit E Section 7.10. Understanding actual trail demand is therefore essential to FERC's equal consideration analysis under FPA § 10(a)(1) and to the development of license conditions on trail infrastructure, parking, and the Recreation Trail Management Plan.”

**SCE's Response:** SCE agrees that recreation resources associated with the Project are relevant to FERC's evaluation of the Project under the FPA. However, KGTC has not demonstrated that the requested suppressed recreation demand study is necessary to identify, characterize, or evaluate Project effects on those resources.

The Project recreation studies were specifically designed to document existing recreation facilities, access conditions, and recreation use patterns within the Project area. Those studies provide information sufficient to evaluate recreation resources and Project-related effects under existing conditions. In contrast, the requested study would seek to estimate how recreation use might change under hypothetical alternative access scenarios. Such an analysis would require numerous assumptions regarding visitor behavior, access preferences, parking availability, and facility use that are not necessary to evaluate existing Project conditions or Project effects.

FPA § 10(a)(1) requires that license conditions be linked to the comprehensive development of the waterway.<sup>14</sup> FERC has declined to impose recreation measures where the proposed facilities lack a sufficient nexus to project waters or where it is unclear how the measures address access to project lands or waters.<sup>15</sup> The same logic applies here: the trail corridor KGTC seeks to advance through the suppressed demand study extends far beyond the Project boundary and is not operationally or physically connected to project waters.

KGTC's nexus argument relies on the assumption that observed recreation use substantially understates actual recreation demand. However, neither the parking utilization data cited by KGTC nor the existence of gates, fencing, or signage (not all of which are SCE facilities) establishes the existence or magnitude of suppressed recreation demand. At most, these observations identify site conditions that existed

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<sup>14</sup> 16 U.S.C. § 803(a).

<sup>15</sup> See *Settlements in Hydropower Licensing Proc. under Part I of the Fed. Power Act*, 116 FERC ¶ 61,270, at P 19 (2006); *Northern States Power Company*, 111 FERC ¶ 62,212, at P 31 (2005); *Wisconsin Public Service Corporation*, 104 FERC ¶ 61,295, at PP 32-33 (2003).

during the study period and were appropriately reflected in the recreation use data collected by the approved study.

Accordingly, while Project recreation resources have a clear nexus to the Project, KGTC has not demonstrated that the requested suppressed recreation demand study has a sufficient nexus to the evaluation of Project effects or that such a study is necessary to support FER's relicensing decision.

- **18 C.F.R. § 5.9(b)(6) — Proposed Methodology**

**KGTC:** "The following methodologies are generally accepted in the recreation economics and resource management literature:

- Travel-cost modeling: Using visitor zip code data already collected in REC 2 surveys to estimate willingness-to-travel and total demand for the project corridor. This method is standard in recreation economics and would leverage existing REC 2 data.
- Comparable-site benchmarking: Comparing trail use rates at KR1 project trails with similarly positioned canyon trails in the Sequoia National Forest or comparable national forest units that do not have unauthorized access barriers, to establish a peer-group baseline for expected use.
- Barrier-removal intercept surveys: On-site surveys at Project trails conducted after removal of the remaining unauthorized 'No Trespassing' sign (Penstock/Forebay area), specifically asking new and returning visitors whether they had previously been deterred from visiting and for what reason. This captures demand recovery attributable to barrier removal.
- Parking origin surveys: Intercept surveys at Project trailheads asking visitors which parking area they used, to establish the functional relationship between each parking facility (including the five Table 2 areas) and each trail.
- Peak-period parking utilization counts: Systematic vehicle counts at the five Table 2 parking areas and the Powerhouse lot on at least ten peak-use days per season across spring and summer, to document whether demand at those specific sites exceeds supply.

These methods are feasible within the timeframe available. To the extent the full study cannot be completed before the June 1, 2026, FLA filing, FERC should require SCE to submit a work plan with the FLA and complete the study as a post-FLA deliverable subject to FERC approval."

**SCE's Response:** As discussed in response to other KGTC requests, SCE does not propose to undertake a suppressed recreation demand assessment. As such, SCE has no comments on the proposed methodology for such a study.

- **18 C.F.R. § 5.9(b)(7) – Level of Effort and Cost**

**KGTC's Comment:** KGTC does not discuss 18 C.F.R. § 5.9(b)(7), which requires a description of the “considerations of level of effort and cost, as applicable, and why any proposed alternative studies would not be sufficient to meet the stated information needs.”

**SCE's Response:** KGTC fails to satisfy the requirements under 18 C.F.R. § 5.9(b)(7). The proposed study would require a substantial level of effort and impose significant costs on SCE. Critically, the work contemplated by the request would largely duplicate the studies already conducted under REC 2.

- **18 C.F.R. § 5.15(f) — Extraordinary Circumstances**

**KGTC:** “The extraordinary circumstance warranting approval of this new study at the USR stage is the imminent FLA deadline of June 1, 2026. The FLA will contain SCE's proposed recreation measures for a license governing the Project for 40 to 50 years. Those measures are grounded in the REC 2 adequacy conclusion—a conclusion this filing demonstrates is not supported by the study data. If the suppressed demand problem is not corrected before FERC's environmental review is completed, a demonstrably flawed baseline will be embedded in the license record. The combination of (a) an imminent FLA filing, (b) SCE's on-record admissions of parking overcapacity at the March 26 meeting, (c) SCE's simultaneous proposal to eliminate five existing parking areas, and (d) the complete absence of data from the project's most scenic and highest-demand corridor constitutes the extraordinary circumstances required under 18 C.F.R. § 5.15(f).”

**SCE's Response:** As explained throughout this response, the REC 2 study results are valid, representative of existing conditions, and appropriate for assessing recreation use and potential Project effects. KGTC has not demonstrated that the REC 2 study is deficient, that recreation demand is being materially suppressed, or that additional study is necessary to inform FERC's environmental review. There is no evidence demonstrating that existing recreation facilities are inadequate to meet current or future demand. KGTC's rationale does not meet the criteria for extraordinary circumstances. Specifically:

(a) The filing of the FLA does not constitute an extraordinary circumstance. The FLA was filed on May 27, 2026, in accordance with the ILP schedule established by FERC.

(b) KGTC's reference to isolated instances where parking demand exceeded capacity at small (i.e., space for two to three vehicles) undeveloped river access locations is not an indication that there is a parking deficiency along the bypass reach. As documented in the REC 2 study, the four Forest Service–developed recreation facilities maintained sufficient parking capacity throughout the study

period. Exceedance of capacity at a limited number of informal parking locations that accommodate only a few vehicles does not establish that recreation facilities are inadequate or that additional study is warranted.

(c) KGTC's assertion that SCE proposes to eliminate five existing parking areas is unsupported and untrue. SCE does not manage any recreation facilities, designated public parking areas, or informal roadside parking areas along the bypass reach. SCE does not propose removal, closure, or modification of any existing parking areas within or outside the FERC Project boundary. Accordingly, this assertion does not support a finding of extraordinary circumstances.

(d) KGTC's characterization of the Penstock/Forebay Trails (assuming that is what is being referred to here) as the Project's "most scenic" or "highest-demand" recreation corridor is unsupported by the available evidence. The available recreation data do not indicate that this area experiences unusually high levels of recreation use relative to other areas within the Project vicinity.

More fundamentally, none of the factors identified by KGTC individually or collectively demonstrate the existence of extraordinary circumstances. Rather, they reflect KGTC's disagreement with the methodology, findings, and conclusions of the REC 2 study. Such disagreements do not provide a basis for reopening study development following completion of the approved study plan process.

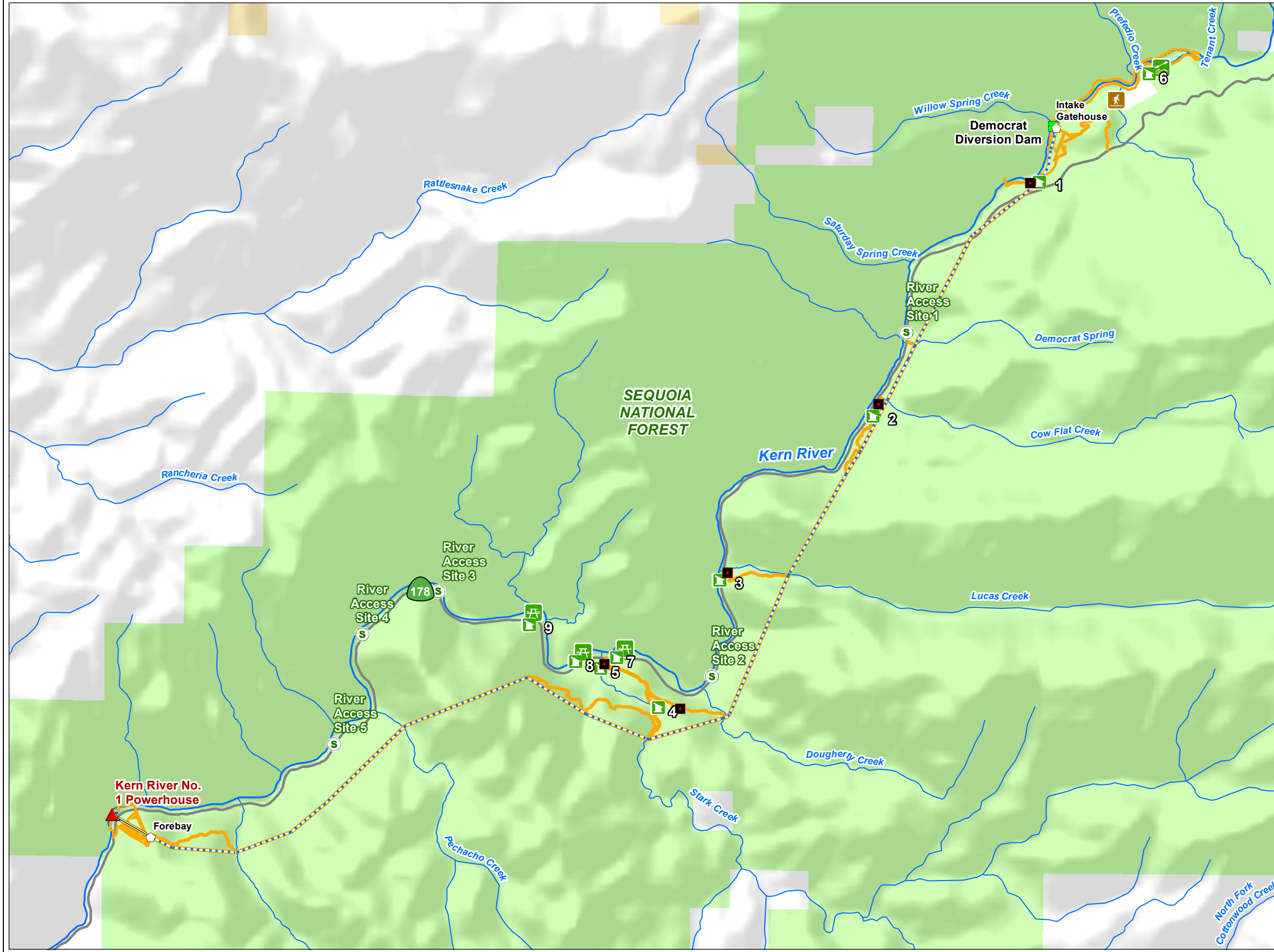
## CONCLUSION

For the reasons described above, none of the proposals for modified studies or new study requests submitted by relicensing participants met FERC's standards as prescribed in 18 C.F.R. § 5.15(f). Accordingly, FERC must reject all requested study modifications or new studies as suggested by relicensing participants in their comments. SCE has diligently gathered all environmental, technical, and other relevant information supporting the FERC's review under NEPA, as well as its consultation and decision-making under the FPA, National Historic Preservation Act, and other statutory requirements. As the Commission has stated: "The purpose of an approved study plan is to bring, to the extent possible, pre-filing finality to the issue of what information gathering and studies will be required by the Commission to provide a sound evidentiary basis on which the Commission and other participants in the process can make recommendations and provide terms and conditions."<sup>16</sup>

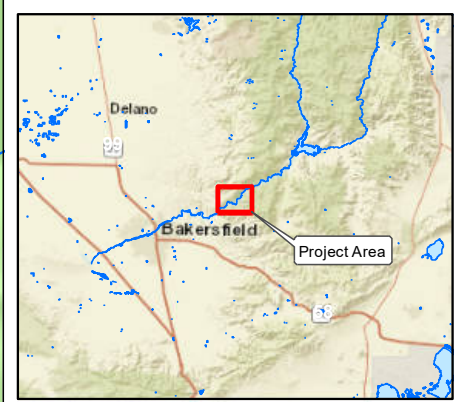
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<sup>16</sup> *Hydroelectric Licensing under the Federal Power Act*, Order No. 2002, FERC Stats. & Regs (Regs. Preambles) 31,150, at P 140 (2003).

**Attachment B:  
Maps 1 through 1g,  
Location of Recreation Survey Sites**

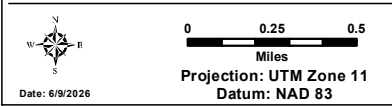


- Facilities**
- Dam
  - ▲ Powerhouse
  - Water Conveyance Feature
  - ⋯ Flowline
  - Penstock
  - Proposed FERC Boundary
- Other Features**
- Watercourse
  - Highway
  - S SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter
- Forest Service Recreation Facilities**
- Raft Takeout
  - Day Use Area
- Land Jurisdiction\***
- U.S. Forest Service
  - U.S. Bureau of Land Management
  - Private (Blank)
- \*SOURCE: BLM 2021

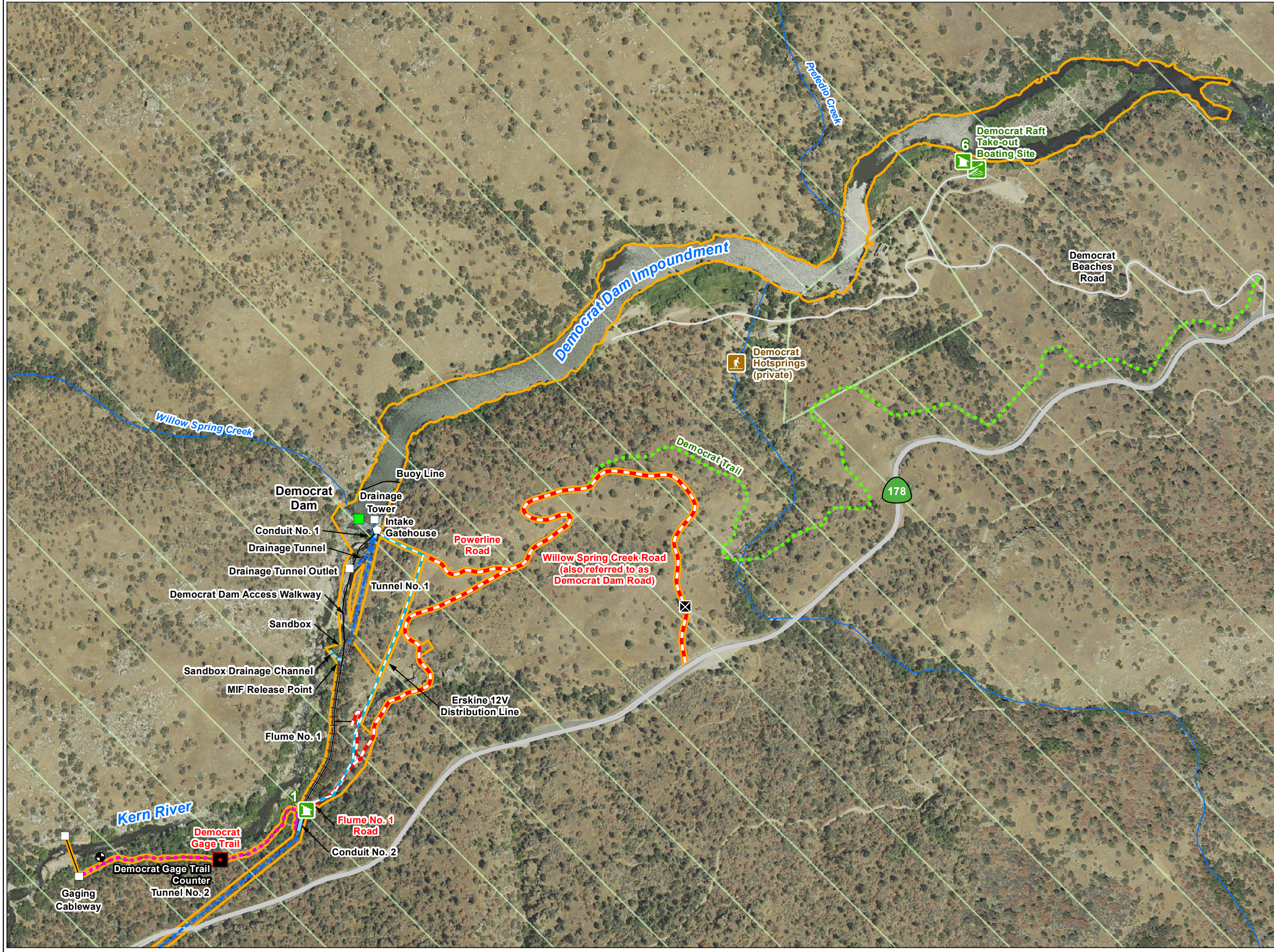


Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1**  
**Location of Recreation Survey Sites**



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- Facilities**
- Dam
  - Tunnel
  - Conduit
  - Penstock
  - Tailrace
  - Ancillary Facility
  - Ancillary Feature
  - Powerline
  - Communication / Powerline
  - Proposed FERC Boundary
  - ▲ Powerhouse
  - Water Conveyance Feature
  - Flume
  - Sandbox
  - Spillway
  - Gage

- Transportation**
- Project Road
  - Project Trail of Focus
  - Other Road
  - Gate

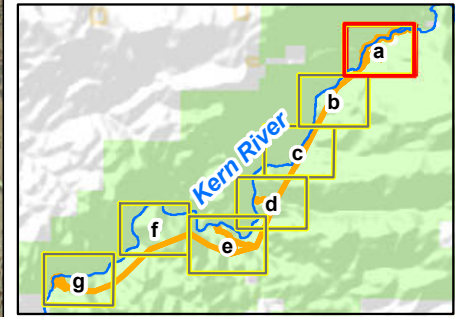
- Other Features**
- Watercourse
  - SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter

- Forest Service Recreation Facilities**
- Raft Takeout
  - Day Use Area
  - USFS System Trail

- Private Recreation Facilities**
- Democrat Hot Springs

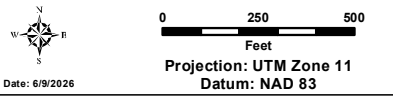
- Land Jurisdiction\***
- U.S. Forest Service

\*SOURCE: BLM 2021



Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1a**  
**Location of Recreation Survey Sites**



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- Facilities**
- Dam
  - ▲ Powerhouse
  - Water Conveyance Feature
  - Tunnel
  - Conduit
  - Penstock
  - Tailrace
  - Ancillary Facility
  - Ancillary Feature
  - Powerline
  - Communication / Powerline
  - Proposed FERC Boundary
  - Flume
  - Sandbox
  - Spillway
  - Gage

- Transportation**
- Project Road
  - Project Trail of Focus
  - Other Road
  - Gate

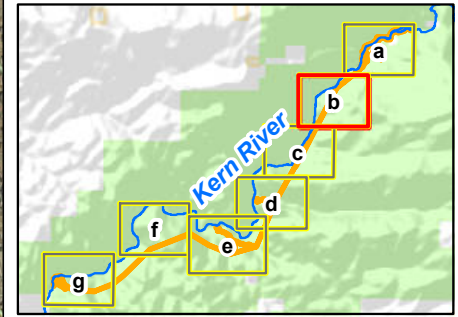
- Other Features**
- Watercourse
  - S SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter

- Forest Service Recreation Facilities**
- Raft Takeout
  - Day Use Area
  - USFS System Trail

- Private Recreation Facilities**
- Democrat Hot Springs

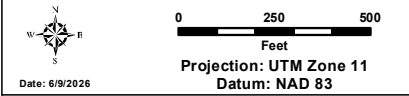
- Land Jurisdiction\***
- U.S. Forest Service

\*SOURCE: BLM 2021

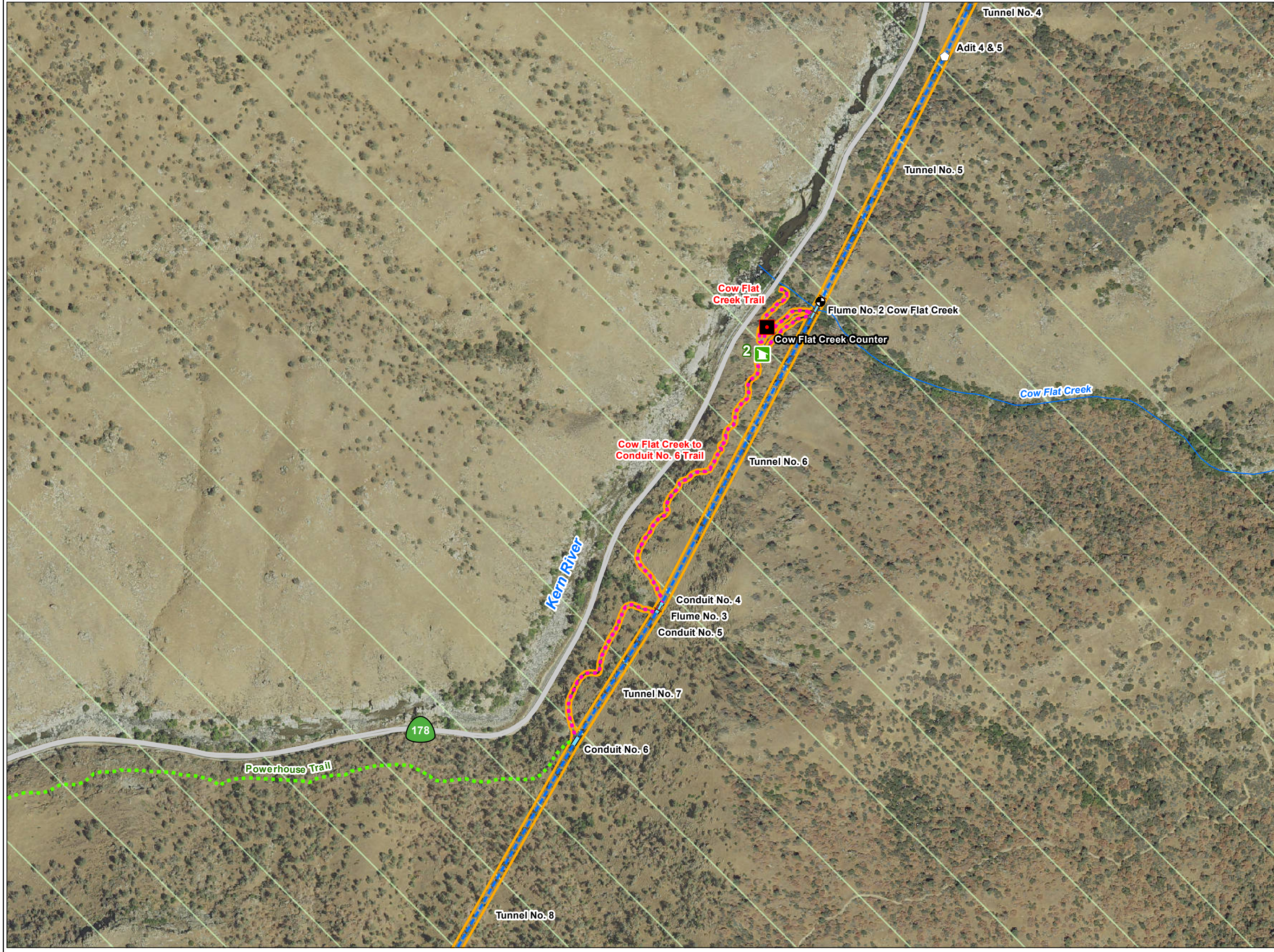


Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1b**  
**Location of Recreation Survey Sites**



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- Facilities**
- Dam
  - ▲ Powerhouse
  - Water Conveyence Feature
  - Tunnel
  - Conduit
  - Penstock
  - Tailrace
  - Ancillary Facility
  - Ancillary Feature
  - Powerline
  - Communication / Powerline
  - Proposed FERC Boundary
  - Flume
  - Sandbox
  - Spillway
  - Gage
  - Other Road
  - Gate

- Transportation**
- Project Road
  - Project Trail of Focus

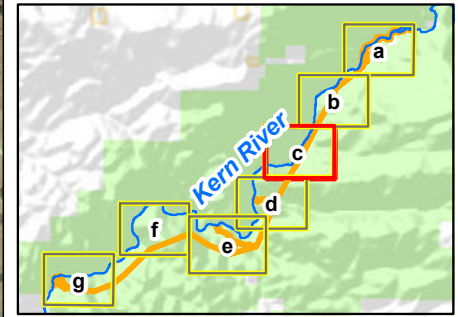
- Other Features**
- Watercourse
  - SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter

- Forest Service Recreation Facilities**
- Raft Takeout
  - USFS System Trail
  - Day Use Area

- Private Recreation Facilities**
- Democrat Hot Springs

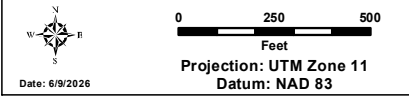
- Land Jurisdiction\***
- U.S. Forest Service

\*SOURCE: BLM 2021

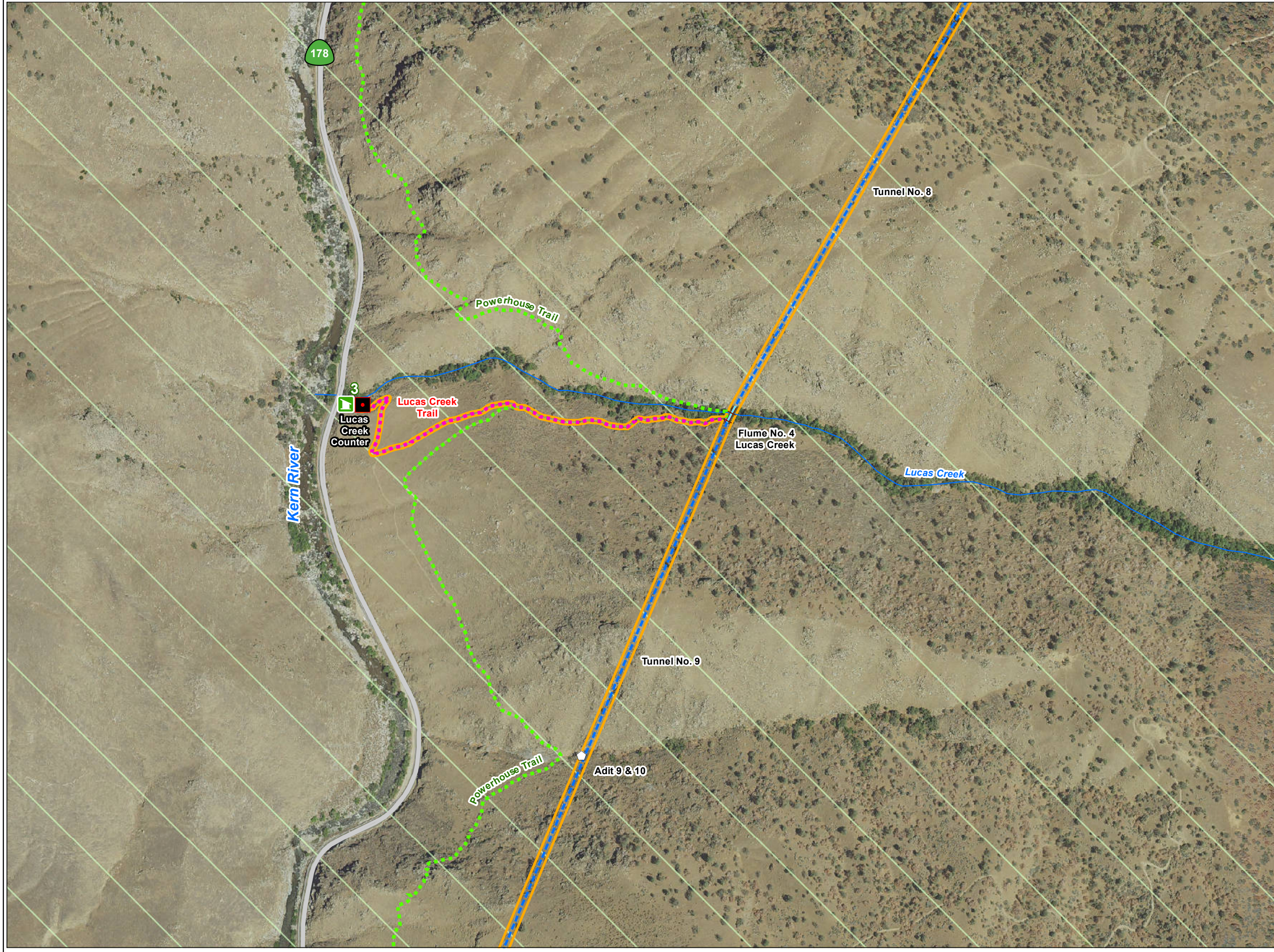


Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1c**  
**Location of Recreation Survey Sites**



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- Facilities**
- Dam
  - ▲ Powerhouse
  - Water Conveyence Feature
  - Tunnel
  - Conduit
  - Penstock
  - Tailrace
  - Ancillary Facility
  - Ancillary Feature
  - Powerline
  - Communication / Powerline
  - Proposed FERC Boundary
  - Flume
  - Sandbox
  - Spillway
  - Gage

- Transportation**
- Project Road
  - Project Trail of Focus
  - Other Road
  - X Gate

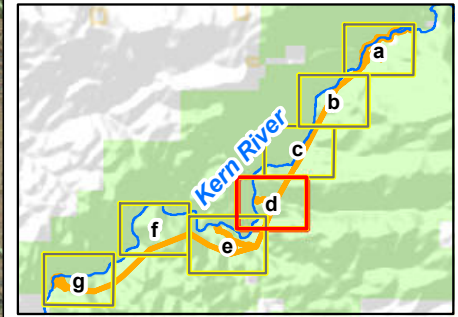
- Other Features**
- Watercourse
  - S SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter


- Forest Service Recreation Facilities**
- Raft Takeout
  - Day Use Area
  - USFS System Trail

- Private Recreation Facilities**
- Democrat Hot Springs

- Land Jurisdiction\***
- U.S. Forest Service

\*SOURCE: BLM 2021






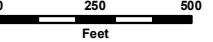
**SOUTHERN CALIFORNIA EDISON**  
Energy for What's Ahead™

Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1d**  
**Location of Recreation Survey Sites**



Date: 6/9/2026



0 250 500  
Feet

Projection: UTM Zone 11  
Datum: NAD 83

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- Facilities**
- Dam
  - ▲ Powerhouse
  - Water Conveyence Feature
  - Tunnel
  - Conduit
  - Penstock
  - Tailrace
  - Ancillary Facility
  - Ancillary Feature
  - Powerline
  - Communication / Powerline
  - Proposed FERC Boundary
  - ▲ Flume
  - Sandbox
  - Spillway
  - Gage

- Transportation**
- Project Road
  - Project Trail of Focus
  - Other Road
  - ⊗ Gate

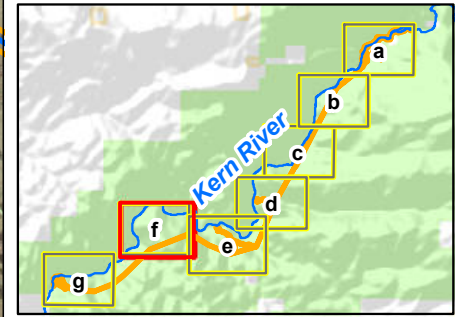
- Other Features**
- Watercourse
  - S SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter


- Forest Service Recreation Facilities**
- Raft Takeout
  - Day Use Area
  - USFS System Trail

- Private Recreation Facilities**
- Democrat Hot Springs

- Land Jurisdiction\***
- U.S. Forest Service

\*SOURCE: BLM 2021






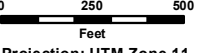
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Energy for What's Ahead™

Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1f**  
**Location of Recreation Survey Sites**



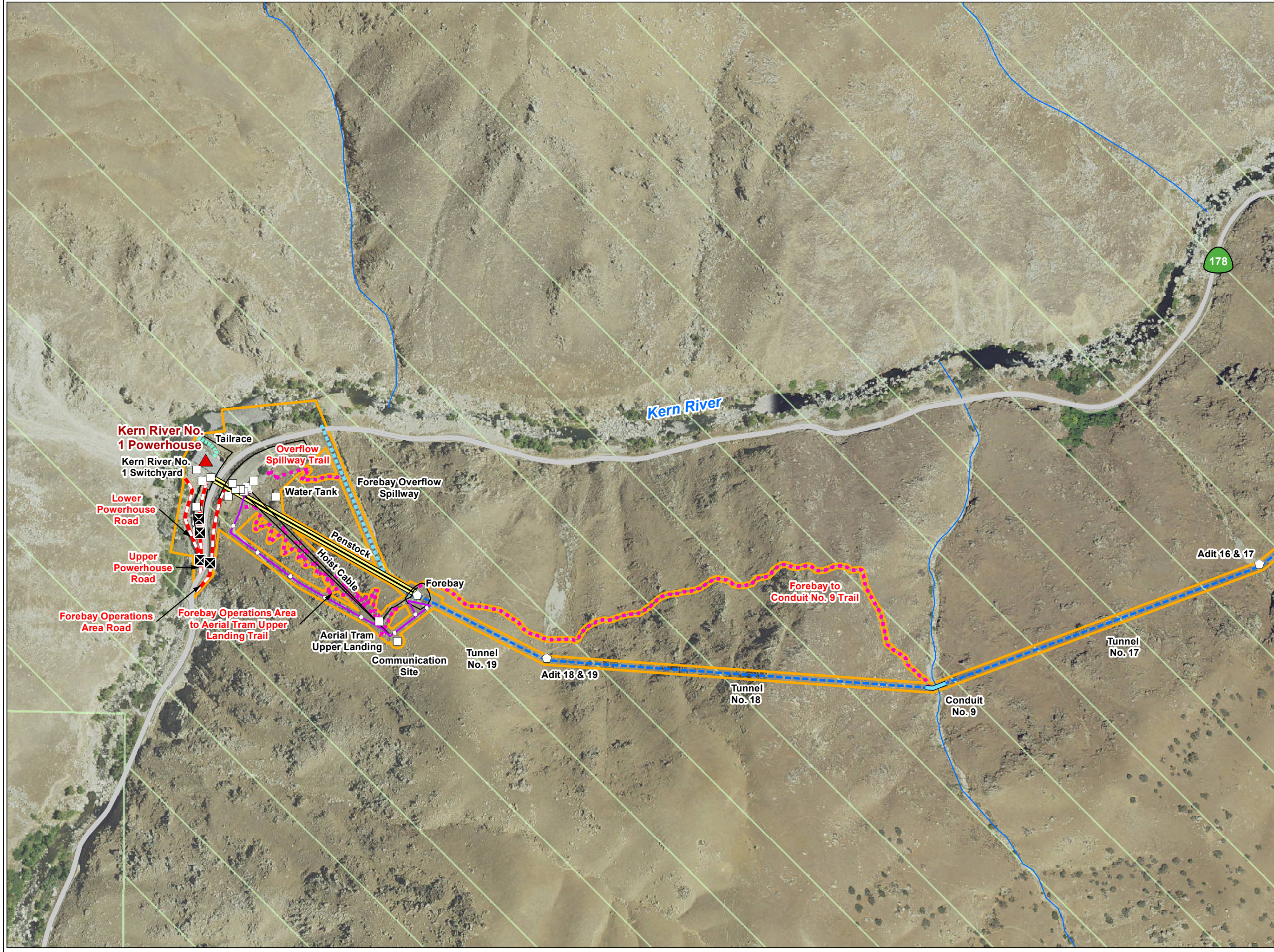
Date: 6/9/2026



0 250 500  
Feet

Projection: UTM Zone 11  
Datum: NAD 83

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- Facilities**
- Dam
  - ▲ Powerhouse
  - Water Conveyance Feature
  - Tunnel
  - Conduit
  - Penstock
  - Tailrace
  - Ancillary Facility
  - Ancillary Feature
  - Powerline
  - Communication / Powerline
  - Proposed FERC Boundary
  - ▲ Flume
  - Sandbox
  - Spillway
  - Gage

- Transportation**
- Project Road
  - Project Trail of Focus
  - Other Road
  - Gate

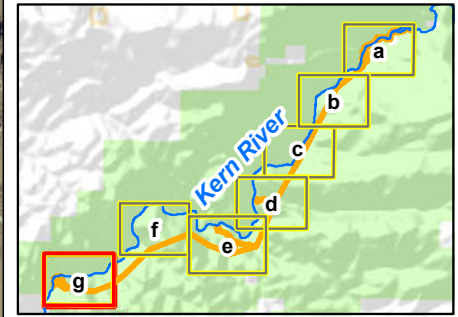
- Other Features**
- Watercourse
  - SCE-identified Parking Areas with Potential River Access
  - Self-Survey Box
  - TrafX Counter


- Forest Service Recreation Facilities**
- Raft Takeout
  - Day Use Area
  - USFS System Trail

- Private Recreation Facilities**
- Democrat Hot Springs

- Land Jurisdiction\***
- U.S. Forest Service

\*SOURCE: BLM 2021






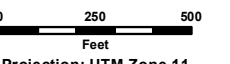
**SOUTHERN CALIFORNIA EDISON**  
Energy for What's Ahead™

Kern River No. 1 Hydroelectric Project  
FERC Project No. 1930

**Map 1g**  
**Location of Recreation Survey Sites**



Date: 6/9/2026



0 250 500  
Feet

Projection: UTM Zone 11  
Datum: NAD 83

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**Attachment C:  
Stakeholder Comment Letters**

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**File Code:** 2770  
**Date:** May 7, 2026

Ms. Debbie-Anne A. Reese  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

RE: Kern River No. 1 Hydroelectric Project, FERC Project No. 1930; Comments on Update Study Reports (USRs) and the Southern California Edison (SCE) USR Meeting Summary

Dear Ms. Reese:

The Forest Service, Sequoia National Forest (hereafter “Forest Service”) provides the attached comments on the Updated Study Reports (USR), and the related USR Meeting Summary filed on April 10, 2026, by Southern California Edison (SCE) (Attachment 1) for the Kern River No. 1 Hydroelectric Project (KR1 or Project). We provide the following comments in the spirit of collaboration with SCE, and other relicensing participants. We are fully committed to working with SCE both before and after filing associated relicensing documentation to develop approaches, solutions, and measures that will address as many of the relicensing participants’ interests as possible.

We look forward to continuing to work with SCE and other stakeholders on the relicensing of this project. If you have any questions regarding this filing, please contact Kern River District Ranger, Nancy Chapman, at (530) 768-7814, or by electronic mail at [Nancy.Chapman1@usda.gov](mailto:Nancy.Chapman1@usda.gov).

Sincerely,

ANTHONY EDWARDS  
Forest Supervisor

Enclosures



## *ATTACHMENT 1*

### **Kern River No. 1 Hydroelectric Project FERC Project No. 1930**

#### **Updated Study Reports**

#### **USDA Forest Service**

#### **Comments**

#### **AQ-2 Water Quality / Water Temperature and AQ-3 Fish Population**

##### **Methylmercury Accumulation and Impacts**

The Draft License Application (DLA) finding that “the Proposed Action is not expected to contribute to or increase background mercury levels in fish in the Project area” lacks the necessary supporting data in the AQ-2 and AQ-3 studies. Mercury from multiple point sources is endemic in the river, and SCE’s study identified bioaccumulation of methylmercury in fish populations behind Democrat Dam. Other populations up and downriver were not tested. The dam and associated sandbox cause sediment to accumulate. The dam creates slack-water conditions in which mercury can methylate and be absorbed by fish populations, as witnessed by the SCE study. The dam and its sediment accumulation may be the proximate cause of increased methylmercury in fish tissue.

A finding that the KR1 system does not contribute to the production and bioaccumulation of methylmercury can only be supported if further analysis demonstrates that 1) mercury levels in sediments at the Democrat Dam impoundment are similar to levels in sediments upstream and downstream from the dam, 2) that the occurrence of methylation in the impoundment is similar to other stretches of the river, and 3) the levels of bioaccumulation of methylmercury in fish is similar to fish in other parts of the river.

The Forest Service is concerned that flushing sediment from Democrat Dam and sandbox could release hazardous material downstream if these project facilities are accumulating mercury-laden sediment, which may have downstream effects including to the water supply for the City of Bakersfield.

How much mercury is present in the impoundment and how much it accumulates there over time is unknown. If high levels of mercury are present, provisions in the laws, regulations, and policies regarding hazardous materials on National Forest System (NFS) land may require the sediments to be dredged and removed. The Forest Service cannot develop project-specific mitigation measures until the mercury situation is confirmed. Monitoring and periodic flushing may be needed to manage conditions for methylation and reduce the bioaccumulation of methylmercury in fish and the consequent public health and safety issue.

See Attachment 2 regarding details on fish tissues, sediments, methylation and bioaccumulation.

## **REC-2 – Recreation Facility Condition Assessment**

The Forest Service remains concerned about unsafe and overcrowded parking conditions in the five undeveloped river access points within the KR1 bypass reach. They are identified in both the REC-2 and REC-3 studies as public safety issues. Recreationists feel parking in these locations is unsafe, particularly when carrying kayaks and rafts across the highway to the river on blind corners. SCE is proposing to exclude consideration of all five undeveloped river access locations as they were incidentally included in REC-2 and REC-3 studies. (Table 2 comment No. 1-6). The study group specifically requested those locations be included in the recreation studies.

The Forest Service requests that SCE continues to include these five undeveloped KR1 bypass-reach river access locations for further consideration and potential license conditioning.

The reliability of recreation visitation data collected behind SCE-locked gates and harshly worded Restricted Area-No Trespassing signs remains a Forest Service concern. Those gates were locked without Forest Service knowledge or consent. In addition, video camera surveillance postings were also not authorized by the Forest Service. Some of the signs have been posted for a significant period and the returning recreating public in the Lower Kern may have adjusted their visitation patterns to avoid locked gates and posted NO TRESPASSING areas.

SCE has indicated to the Forest Service they intend to keep some of their “Restricted Area – No Trespassing & Loitering Forbidden by Law” signs posted. The intent of these signs is to restrict recreational access in those posted video-monitored and locked locations. None of these signs, locks or surveillance cameras are authorized by the Forest Service.

The Lower Kern River project area, including the full 10.2-mile bypass reach, is identified in the Forest Land Management Plan as a potentially eligible Wild & Scenic River and is to be managed as such until full assessment is complete. Outstandingly remarkable values (ORVs) include, but are not limited to, recreation and scenery.

Per Title 18 Chapter 1 Subchapter B – Regulations Under the Federal Power Act, SCE is required, following license issuance, to keep the public informed of the availability of project lands and waters for recreational purposes. The licensee has additional obligations to the FERC, the land managing agency, and the public to disclose, post and share information about road, trails and land closures deemed appropriate by the license. The wording of this regulation indicates the closure of lands, trails, or roads to public access would be disclosed in the project Recreation Management Plan.

SCE is not currently proposing to include a Recreation Management Plan. The Forest Service notes under Title 18 Part 8 SCE has obligations to post and publicize license conditions which relate to public access to and the use of the project waters and lands for recreational purposes and such other conditions of public interest as the Commission may designate in the order issuing the license. (Order 852 83 FR 67068, Dec 28, 2018). The Forest Service will require a Recreation

Management Plan with public consultation and notification requirements in our Section 4(e) Conditions, and we encourage SCE to begin development of this plan with input from resource agencies and other stakeholders.

### **REC-3 Whitewater Boating**

Several REC-3 respondents echoed findings made in the REC-1 study that dangerous public access conditions exist at the five overcrowded undeveloped river access parking locations. Safety signage is limited or non-existent as well.

SCE indicates that there is sufficient parking at the Forest Service day-use fee sites for all recreation users. Forest Service day-use sites are not suitable or appropriately placed to be appealing for all the rafting put-in and take-out access needs. Those sites are closed and locked daily and seasonally with strict operating hours that may make them unavailable to some users. For example, fly fishermen like to come to the river in the very early morning hours when the Forest Service day use facilities are locked. There are no developed services or space for river raft/kayak put-in or take-out at the lower three day-use sites. The Democratic Dam rafting take out on the upstream end is not suitable for raft/kayak put in for the Lower Kern, because the Democrat Dam impoundment downstream forces a lengthy portage hike around KR1 project facilities that are behind locked gates with no public vehicle access.

The three Forest Service managed day-use fee sites along the Lower Kern would need to be modified to offer safe water access to launch or take out a kayak or raft. The Forest Service agrees with the cross-country trailing impacts observed and documented in the REC-1 study plan for those locations.

REC-3 respondents also indicated that the KR1 Powerhouse impoundment pond is being used as a rafting take-out point. Two respondents mentioned the undeveloped and unsafe conditions they face when removing and portaging watercraft from the impoundment pond to the adjacent parked vehicles along SR-178.

The Forest Service believes there is a need to provide additional developed raft put-in and take-out spots to manage project-related recreation. REC-3 points out the current number of recreational watercraft users in the by-pass reach is unknown and likely to increase in the future. Development of safe rafting put in and take out locations with adjacent safe parking seems a reasonable request given the nature and scope of the KR1 bypass reach watercraft use, recorded and documented through the REC-3 study.

In summary, the Forest Service's recreation concerns are the lack of reliable recreation use data; SCE's intent to limit at least some recreation access in the project area; new Land Management Plan direction to manage KR1 project area as a Wild and Scenic eligible river corridor with a recreation ORV; documented public safety concerns/issues; and a need to develop additional rafting input and take out facilities to manage project-related recreation. The Forest Service believes SCE should develop a Recreation Management Plan to address these concerns and manage project-related recreation over the term of a new license.

## *ATTACHMENT 2*

### **Kern River No. 1 Hydroelectric Project**

#### **FERC Project No. 1930**

#### **Updated Study Reports**

#### **USDA Forest Service**

#### **Comments**

**Fish Tissue:** The AQ-2 fish tissue data demonstrates concerning levels of fish tissue mercury. The Forest Service requests that Office of Environmental Health Hazard Assessment (OEHHA) be engaged in this issue. The data demonstrated may warrant additional fish consumption advisories. The Forest Service is working with SCE on better signage for recreationists to avoid further drowning fatalities, these signage kiosks could include the OEHHA fish consumption guidelines. OEHHA's engagement can result in site specific advisories for this KR1 area. Furthermore, the OEHHA advisories are typically shared with anglers when purchasing their fishing licenses. Engaging with OEHHA can help ensure that even non-licensed anglers, such as tribal community anglers, have access to this information.

**Sediments:** The post meeting response for the point source question on page A-6 states "Existing levels of methylmercury in fish within the Project area are likely derived from legacy pollutants in the watershed or atmospheric deposition; operation of the Project has no control over or influence on methylmercury levels in the Kern River." SCE is proposing to handle sediments in the sandbox and periodically removing sediments via flushing from Democrat Dam. The fish tissue data demonstrates that there is mercury present in the system. The SCE should regularly test and monitor the sediments under different waterflow conditions to ensure that contaminated sediments are being disposed of properly. The project operations can impact and influence the levels of mercury in the river, because the project facilities are catching, concentrating and containing these sediments. Immediately after releasing the contaminated sediments, it is reasonably expected that mercury concentrations would increase mercury downstream of these releases. The Forest Service asks for sampling of sediments prior to removal from the project facilities, such as the sandbox and Democrat Dam impoundment. This additional information on the sediment mercury is needed for FERCs NEPA and decision-making process. The sediment sampling process should be in consultation with the California State Water Resources Control Board (SWRCB) to ensure proper methodology and disposal of contaminated sediments. SWRCB should also be engaged to discuss whether further grab

samples are warranted. The USR meeting summary and AQ-2 study results disclose that grab samples were only taken twice, once during Spring 2024 and once again during Fall 2024. SWRCB may require that grab samples be taken during additional flow scenarios.

## Methylation and Bioaccumulation

The Draft License Application states,

Like many rivers in California, the concentration of methylmercury in sampled fish tissue was higher than the OEHHA's reference concentration of 0.08 mg/kg; however, the Proposed Action is not expected to contribute to or increase background mercury levels in fish in the Project area. Existing levels of methylmercury in fish within the Project area are likely derived from legacy pollutants in the watershed or atmospheric deposition; operation of the Project has no control over or influence on methylmercury levels in the Kern River (pgs. 7.3-15 – 16).

The DLA supports this statement with data from the AQ-2 Water Quality / Water Temperature and AQ-3 Fish Population studies. The Forest Service has reviewed AQ-2 and AQ-3 and are concerned that the conclusion, “the Proposed Action is not expected to contribute to or increase background mercury levels in fish in the Project area” is premature. To support the DLA's conclusion regarding the bioaccumulation of methylmercury in the project area the underlying studies should be able to answer three questions:

- Is the bioaccumulation of methylmercury in fish at the Democrat Dam impoundment consistent with background levels along the river or are higher levels present in the impoundment?
- Is methylation occurring in the sediments impounded by Democrat Dam or are fish absorbing methylmercury produced upstream from the project area?
- Are levels of mercury and methylmercury in the sediments consistent with background levels in the river outside the project area or are they higher in the impoundment?

### *Bioaccumulation*

The AQ-2 and AQ-3 studies sampled 29 fish from “most of the 1-mile-long [Democrat] impoundment, including shoreline margins and open waters” (AQ-3 Section 4.2). California OESHA has established methylmercury guidelines for the safe consumption of fish:

- Levels >0.055 mg/kg to 0.07 mg/kg may safely consume three servings of fish per week
- Levels >0.07 mg/kg to 0.15 mg/kg may safely consume two servings of fish per week
- Levels >0.15 mg/kg to 0.44 mg/kg may safely consume one serving fish.

Notably, all the fish tested came in higher than the advisory level for two servings of fish per week and three of the nine sampled largemouth bass came in at unsafe levels. Bioaccumulation refers to the process by which an organism can absorb toxins from its environment.

Methylmercury can enter aquatic organisms via direct contact or through the ingestion of food.<sup>1</sup> Absent test results of fish upstream or downstream from Democrat Dam, the simple presence of methylmercury in the 29 fish at the Democrat Dam impoundment does not offer any conclusions about whether the degree of bioaccumulation of methylmercury is consistent with background levels. There is insufficient data as to the bioaccumulation of methylmercury in the Kern River outside the project area to make that call.

### *Methylation*

During the USR meeting between SCE, the Forest Service, and stakeholders an SCE consultant stated that the necessary anaerobic conditions for methylation are not present in the project area. The DLA states, “Existing levels of methylmercury in fish within the Project area are likely derived from legacy pollutants in the watershed or atmospheric deposition” (pgs. 7.3-15 – 16). To understand the bioaccumulation of methylmercury in aquatic organisms it is necessary to understand the how and where methylation is occurring in their environment: “Determining in situ methylation rates is extremely important to understand [methylmercury] concentrations in the environment and subsequent bioaccumulation in biota, especially fish.”<sup>2</sup>

For the purposes of this comment, methylation is defined as the process by which anaerobic bacteria converts mercury to methylmercury.<sup>3</sup> Demethylation is the process by which methylmercury is transformed back into inorganic mercury.<sup>4</sup> Numerous studies have identified anaerobic aquatic sediments as “hot spots” for methylation.<sup>5</sup> Riparian areas too may harbor methylation.<sup>6</sup> The simple presence of 29 fish exhibiting bioaccumulation of methylmercury in the impoundment does not provide any data as to where the methylmercury came from. AQ-2 presents data regarding dissolved oxygen (DO) in the river upstream and downstream from the Democrat Dam – presumably the source for the assertion that anaerobic conditions are not present in the project area. Notably, however, samples were not taken in the impoundment itself, but rather only at KR 54-36 (between Democrat Dam and Instream Flow Release) and KR 55.2 (Democrat raft takeout). The distance between these samples is 0.8 miles and they “bookend” the entire impoundment (Figure 1).

The DO levels noted at KR 54.26 and KR 55.2 (Table 5-2) may support SCE’s contention that anaerobic conditions are not present at the locations they sampled. However, the DO results are the product of samples taken in June and October of 2024 and may not be reflective of conditions throughout the water year.<sup>7</sup> Nor did those samples include sediments. In any event, low levels of DO are not necessary for the existence of anaerobic sediments (the locus where

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<sup>1</sup> Jeong et al, (2024): *Toxicity of methylmercury in aquatic organisms and interaction with environmental factors and coexisting pollutants: A review.*

<sup>2</sup> Bento & Hintelmann, (2024): *Assessment of mercury methylation and methylmercury demethylation potentials in water and sediments along the Wabigoon River system.*

<sup>3</sup> Helmrich et al (2022): *Critical review of mercury methylation and methylmercury demethylation rate constants in aquatic sediments for biogeochemical modeling.*

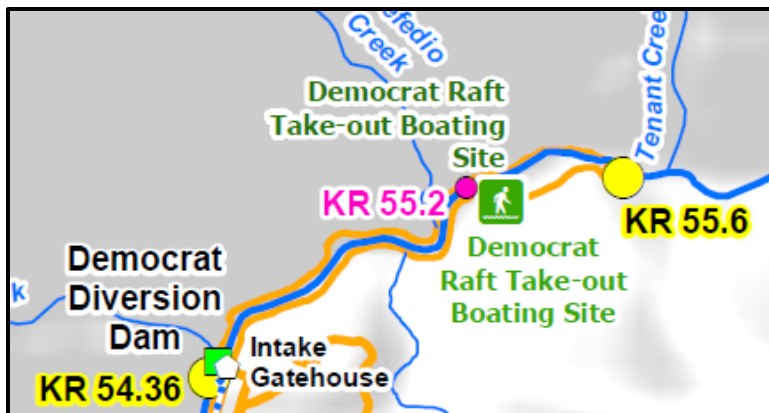
<sup>4</sup> *ibid*

<sup>5</sup> C.f., Helmrich et al (2022).

<sup>6</sup> C.f., Helmrich et al (2022); Krause et al (2024): *Riparian methylmercury production increases riverine mercury flux and food web concentrations.*

<sup>7</sup> Given the demethylation in fish may occur at rates lower than in the water, it seems possible that methylation that occurred during periods of low DO might persist after higher levels of DO become available.

methylation often occurs) which may coexist with aeriated waters if the water is not turbulent enough to disturb the sediments. Additionally, “Anaerobic sediments are more likely to exist where accumulations of organic material and fine-grained sediments”<sup>8</sup> such as riparian areas similar to those found in the area of the Democrat impoundment.



**Figure 1.** Thumbnail from Map 3-1.

Absent sediment sampling, we have no data as to whether conditions in the project area are suitable for methylation or whether methylation has occurred. During internal FS discussions of the issue of methylation, it was suggested that fish at Democrat Dam may be absorbing methylmercury produced upstream from the project area (e.g., Isabella Lake). To be sure, bioaccumulation can occur as result of direct contact with methylmercury. And methylmercury is readily soluble.<sup>9</sup> So, the question is whether methylmercury produced upstream may be present. While demethylation can be the result of biotic or abiotic processes, the most common abiotic pathway appears to be photodegradation.<sup>10</sup> The river upstream from the Democrat Dam impoundment is noted for whitewater conditions (indeed it is favored as such by recreationists). It seems at least plausible that significant potential for photodegradation would occur in the rapids between Isabella Lake and Democrat. Absent significant mixing in the impoundment, it also seems plausible that conditions for photodegradation and demethylation there are less present. As with other aspects of the methylmercury studies reported in AQ-2 and AQ-3 there is not enough information to answer the following questions:

- Is the methylmercury present at the Democrat Dam impoundment the result of local methylation or is it transported from outside the project area?
- Is the methylation/demethylation cycle in balance at the Democrat Dam impoundment or is there sufficient excess methylation to explain the bioaccumulation of methylmercury observed in fish?

<sup>8</sup> Dahm, Trotter & Sedell (1987): *Role of Anerobic Zones and Processes in Stream Ecosystem Productivity*.

<sup>9</sup> DeGraff, Rogow & Trainor (2007): *Approaches to contamination at mercury mill sites: Examples from California and Idaho*.

<sup>10</sup> Zhao et al (2024): *Overview of Methylation and Demethylation Mechanisms and Influencing Factors of Mercury in Water*.

Without answers to those questions, the conclusion that the methylmercury present in the fish “are likely derived from legacy pollutants in the watershed or atmospheric deposition.” is premature without further study.

### *Sediments*

Underlying the question of whether methylation can occur at the Democrat Dam impoundment or not is the question of whether mercury has accumulated in the sediments impounded by the Democrat Dam. The Kern River has a 90-year history of gold mining and there are dozens of potential point sources for mercury located in the watershed upstream from the Democrat Dam impoundment. Anecdotal accounts from modern miners suggest that mercury is present in the sediments of the river. Being located across the lower Kern, the Democrat Dam would appear ideally located to impound any mercury moving downstream from those point sources. The methylmercury studies reported in AQ-2 and AQ-3 do not offer any information as to whether mercury is present in those sediments or how it compares to background levels outside the project area. Indeed, the question of whether methylation can occur in the impoundment is moot if the sediments have low or background levels of mercury. As with the questions of bioaccumulation and methylation, additional information is needed at the impoundment itself as well as upstream and downstream from the project area to determine background levels of mercury in the river and whether the levels in the impoundment are consistent with background or elevated.

At this writing, the DLA finding that “the Proposed Action is not expected to contribute to or increase background mercury levels in fish in the Project area” lacks the necessary supporting data in the AQ-2 and AQ-3 studies. A finding that the KR1 system does not contribute to the production and bioaccumulation of methylmercury can only be supported if further analysis demonstrates that 1) mercury levels in sediments at the Democrat Dam impoundment are similar to levels in sediments upstream and downstream from the dam, 2) that the occurrence of methylation in the impoundment is similar to other stretches of the river, and 3) the levels of bioaccumulation of methylmercury in fish is similar to fish in other parts of the river.

The issue of bioaccumulation of methylmercury in fish potentially extends beyond biology to social justice and Tribal resources. Economically disadvantaged communities and Tribal communities, both of whom are more likely to consume the fish they catch, are disproportionately affected by the health and safety hazards posed by methylmercury in fish. Additionally, Tribal consultation may be necessary to determine if methylmercury in the fish at Democrat would be an issue for tribal cultural practices. Beyond Tribes and the public, the presence of mercury and methylmercury in the sediments in the Democrat impoundment may pose a risk to SCE employees who work with or contact those sediments.

The legacy of historic-period mining and mercury in the Kern River is completely outside the scope of this comment. Mercury was commonly deposited in the rivers of the Sierra Nevada as result of the Gold Rush. Rather, the concerns voiced here are sharply focused on whether Democrat Dam has, by impounding sediments, set the stage for the bioaccumulation of methylmercury in fish. Absent a fuller analysis of mercury in sediments, methylation and bioaccumulation in the impoundment as well as upstream and downstream from Democrat Dam, any conclusions in the FLA regarding the role of the KR1 system in regard to mercury,

methylmercury, and bioaccumulation are premature and unsubstantiated. Additionally, an effects analysis of these issues under NEPA would be incomplete and unrepresentative of real-world risks to the public, Tribes, federal agencies, and SCE. Such an incomplete finding would inhibit the development and application of monitoring, management or mitigation measures.



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## State Water Resources Control Board

May 14, 2026

Mr. Wayne Allen  
Southern California Edison Company  
1515 Walnut Grove Avenue  
Rosemead, CA 91770  
**Sent via email: [Wayne.Allen@sce.com](mailto:Wayne.Allen@sce.com)**

Ms. Debbie-Ann Reese, Secretary  
Federal Energy Regulatory Commission  
**Via e-filing to FERC Project No. 1930 Docket**

**Kern River No. 1 Hydroelectric Project  
Federal Energy Regulatory Commission Project No. 1930  
Kern County  
Kern River**

### **COMMENT ON UPDATED STUDY REPORT FOR THE KERN RIVER No. 1 HYDROELECTRIC PROJECT**

Dear Mr. Wayne Allen and Secretary Reese:

Southern California Edison Company (SCE) owns and operates the Kern River No.1 Hydroelectric Project (Project), also referred to as Federal Energy Regulatory Commission (FERC) Project No. 1930. As part of Project relicensing, on March 13, 2026, SCE filed the Updated Study Report (USR) with FERC and interested parties. SCE held a USR meeting with FERC staff and stakeholders on March 26, 2026.

State Water Board staff have reviewed the USR. As explained in *Appendix B AQ 2-Water Quality/Water Temperature Memorandum*, turbidity measurements were not collected during the 2024 sampling year due to inconsistencies between the written description of sampling requirements and the table in the Technical Study Plan (TSP). SCE collected turbidity data in 2025 during seasonal sampling and at additional times to supplement the record.

Turbidity is a key indicator of sediment disturbance, watershed condition, and potential project-related effects. The lack of 2024 turbidity data limits the ability to fully characterize existing conditions and assess interannual variability. To ensure a

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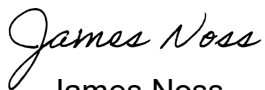
E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

complete record consistent with the intent of the TSP, and to support an accurate assessment of existing conditions and potential Project effects, State Water Board staff recommend that SCE conduct an additional year of turbidity monitoring, preferably during a hydrologic year type other than a Wet Year.

If you have questions related to this letter, please contact James Noss, Project Manager, by phone to: 916-327-3117 or email to: [James.Noss@waterboards.ca.gov](mailto:James.Noss@waterboards.ca.gov).  
Written correspondence should be directed to:

State Water Resources Control Board  
Division of Water Rights  
Water Quality Certification Program  
Attn: James Noss  
P.O. Box 2000  
Sacramento, CA 95812

Sincerely,



James Noss  
Environmental Scientist  
Water Quality Certification Program  
Division of Water Rights

ec:

Ms. Debbie-Ann Reese  
Secretary Federal Energy Regulatory Commission  
**Via e-filing**

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Wayne Allen  
Secretary Reese

- 3 -

May 14, 2026

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## **KERN GATEWAY TRAIL COMMITTEE**

A Project of the Kern River Parkway Foundation  
1715 Elm Street, Bakersfield, California 93301  
yates.jonathane@gmail.com

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May 14, 2026

### **Via FERC eFile**

#### **Debbie-Anne A. Reese, Secretary**

Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Re:** Comments on Updated Study Report and Updated Study Report Meeting Summary — Kern River No. 1 Hydroelectric Project, FERC Project No. 1930; Recreation Facility Use Assessment (REC-2); Road and Trail Condition Assessment (LAND-1); Whitewater Boating (REC-3); Aquatic Resources (AQ-2, AQ-3); Inadequate Study Methodology; Suppressed Recreation Demand; Requested License Conditions and Study Modifications

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## **I. Introduction and Procedural Context**

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The Kern Gateway Trail Committee (KGTC), a project of the Kern River Parkway Foundation, submits these comments pursuant to 18 C.F.R. § 5.15(d) regarding the Updated Study Report (USR) filed by Southern California Edison (SCE) for the Kern River No. 1 Hydroelectric Project (KR1, FERC Project No. 1930). SCE filed the USR with FERC on March 13, 2026. The required USR stakeholder meeting was held on March 26, 2026, at the Kern River Ranger District–Kernville Office, with virtual participation via Microsoft Teams. SCE filed the USR Meeting Summary with FERC on April 10, 2026. Per the Revised Process Plan and Schedule and confirmed at the March 26 meeting, the deadline for stakeholder comments on the USR and USR Meeting Summary is May 14, 2026. These comments are timely filed.

KGTC representatives participated in the March 26 USR meeting. These comments build upon KGTC's earlier Comments on the Draft License Application (DLA), filed with FERC on April 1, 2026, and address new study results and on-record statements made by SCE at the USR meeting that further substantiate KGTC's concerns. KGTC also notes that the Final License Application (FLA) is due June 1, 2026; the record

developed through these comments is therefore directly material to what the FLA must contain.

**Central finding:** SCE’s recreation and trails studies are methodologically incapable of measuring actual public demand because they were conducted under conditions created by SCE’s own management choices—unauthorized No Trespassing signs, locked gates, barbed wire at trailheads, and blocked parking. SCE presented suppressed visitor counts gathered under these conditions as evidence that “current capacity is adequate.” At the March 26 USR meeting, SCE made admissions on the record that directly contradict this conclusion. FERC should reject SCE’s adequacy finding and require supplemental study and binding license conditions as set forth below.

**Study modification and new study requests:** Pursuant to 18 C.F.R. §§ 5.15(d) and 5.15(f), KGTC requests modifications to the REC-2 Recreation Facility Use Assessment study and one new study. The formal requests, organized per the regulatory criteria, are set forth in **Attachment A** to these comments. Section II of the main letter provides the substantive basis supporting those requests.

## II. The Recreation Facility Use Assessment (REC-2) Is Methodologically Flawed

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### A. SCE’s Own Admissions at the March 26 Meeting Undermine Its “Adequacy” Conclusion

At the March 26 USR meeting, SCE made several on-record statements that directly contradict the REC-2 TM’s conclusion that “creation amenities in the vicinity of the Project are adequate to meet current demand and foreseeable future demand.”

**Parking overcapacity confirmed:** When a meeting participant noted that the REC-2 TM acknowledges undeveloped river access points sometimes exceeded available parking while simultaneously concluding that facilities are adequate, SCE responded (USR Meeting Summary, p. A-10): “Clarifies that there was always capacity for parking at the developed recreation sites (day use areas) where there are delineated parking spaces. At some of the undeveloped river access points along SR-178 survey technicians sometimes observed more vehicles parked than we estimated there was capacity for. In particular, there was one site that we estimated had capacity for two vehicles and another we estimated there was capacity for three vehicles. On some occasions there were more vehicles parked at these sites than we estimated there was safe capacity for.” This admission — that informal parking sites were filling beyond safe capacity—is directly inconsistent with an adequacy finding.

**Signage impact acknowledged:** When meeting participants raised the issue of No Trespassing signs and their effect on the study, SCE confirmed on the record that the Democrat Gage Trail gate bore signage throughout the study period and characterized it as “a part of the existing conditions.” (USR Meeting Summary, p. A-10.) A stakeholder responded: “Suggest the No Trespassing Sign at the trailhead affected the study.” SCE did not rebut this concern substantively. Separately, a participant noted: “There were no trail survey boxes at the Project trails leading toward the Penstock/Forebay and there is

a no trespassing sign [at the entrance to the Project Road] at that location.” SCE confirmed this was the case (*id.*). These on-record admissions establish that the study’s data collection was materially affected by access-suppressing signage that SCE installed and maintained.

**Future growth projection methodology:** When asked whether zip codes were used to assess future recreation projections, SCE confirmed that survey data showed visitors were “from California and especially from Kern County, including Bakersfield.” (USR Meeting Summary, p. A-10.) SCE’s demand projection nonetheless relied solely on a 12 percent Kern County population growth forecast through 2050. It did not account for the 2,329 verified petition signatures gathered at [www.change.org/kerngatewaytrail](http://www.change.org/kerngatewaytrail), the unanimous Bakersfield City Council resolution of support (Resolution No. 185-2024, December 18, 2024), or any of the documented, organized community demand for improved trail access in this specific corridor.

### **B. The Out-and-Back Counter Assumption Is Inapplicable to Connecting Trails**

SCE’s REC-2 TM assumes that every two TRAFx counter activations represents one visitor making a round trip, because most project trails are out-and-back routes. SCE applies this assumption as a blanket default even for trails it explicitly acknowledges connect to other trail networks. This is analytically indefensible.

The most compelling example is the Cow Flat Creek Trail. SCE’s own study acknowledges that this trail connects to the U.S. Forest Service’s Powerhouse Trail. Yet SCE applies the out-and-back assumption anyway. The data undermines this choice: the Cow Flat Creek Trail is only 0.14 miles long — a five-to-ten-minute walk. Yet SCE’s own data reports an average trail use duration of 2.4 hours at this location. A 2.4-hour visit on a 0.14-mile trail is not an out-and-back hike. It is a through-hike onto the Powerhouse Trail and into the canyon interior. By applying the out-and-back assumption, SCE counted many of these through-hikers as half a visitor. The Cow Flat Creek data, read correctly, is evidence of substantial demand for the Powerhouse Trail corridor—the exact trail SCE excluded from its study entirely.

SCE reported at the March 26 meeting that TRAFx daily mode was zero on every trail, and daily median ranged from two to five counts (representing one to 2.5 persons). These numbers cannot be taken at face value because (1) the out-and-back assumption undercounts through-hikers; (2) access barriers suppressed demand at every study site; and (3) the most significant trail corridor was entirely excluded.

### **C. The Penstock/Forebay and Overflow Spillway Trails Were Deliberately Excluded**

The most consequential data gap in the REC-2 study is the complete exclusion of the Penstock/Forebay Trail and Overflow Spillway Trail from counter and survey box installation. These trails together form the only hiking loop configuration in the lower Kern Canyon — the most scenically dramatic section of the project area, closest to the KR1 Powerhouse. SCE cited “security and safety concerns” for this exclusion.

KGTC specifically requested at an earlier stage of the relicensing process that counters and a survey box be installed at this location. That request was not accommodated. At the March 26 meeting, a participant raised this on the record: “There were no trail

survey boxes at the Project trails leading toward the Penstock/Forebay and there is a no trespassing sign at that location.” (USR Meeting Summary, p. A-10.) SCE confirmed the absence of data collection at this location.

The result is a dataset that is structurally blind to the highest-demand corridor in the project reach. A study that excludes the most scenic and accessible trail area from data collection — and then concludes that demand is low — is not measuring demand. It is measuring the consequences of exclusion.

#### **D. No Trespassing Signs at Multiple Locations Suppressed Counts Throughout the Study Period**

Unauthorized SCE “No Trespassing” signs were in place at multiple project-area trailheads throughout the REC-2 study period. The U.S. Forest Service asked SCE to remove these signs because they were not authorized under SCE’s existing FERC license or its USFS special use permits. The effect of these signs on visitor counts is not incidental — it is fundamental.

At the March 26 meeting, SCE argued that the sign at the Democrat Gage Trail gate “pre-dates development of the study and is a part of the existing conditions.” (USR Meeting Summary, p. A-10.) This argument inverts the proper analysis. The fact that these signs predated the study period is not exculpatory — it deepens the concern. Signs that have been in place for years have shaped public perception, over time, that these areas are off-limits. The REC-2 study measured the downstream effect of that accumulated perception. It did not measure underlying demand.

The Democrat Gage Trail survey box was installed approximately one mile from the gate, on the far side of the No Trespassing sign. Any visitor who turned back at the sign—which a reasonable member of the public would do — was never counted. SCE has since removed the sign at the Democrat Gage Trail; however, as of the date of these comments, the No Trespassing sign at the Penstock/Forebay Trail access road remains in place. No data was collected at that location at any point during the study.

#### **E. Physical Barriers at Trailheads Further Invalidate the Use Counts**

A barbed wire fence at the Lucas Creek Trail trailhead was present throughout the REC-2 study period. The Lucas Creek Trail is a formally designated project trail that SCE installed a counter on. It recorded the lowest use counts of any surveyed trail. The presence of barbed wire at the entry point throughout the study period is the most plausible explanation for that result and cannot be dismissed as irrelevant to the count data.

At the Dougherty Creek Trail, the primary access road leads to a large paved and graded parking area that SCE controls and keeps locked. Visitors must instead park in a cramped highway pullout, walk past a locked gate, and hike up the paved access road before reaching the trailhead. If this large parking area were open, the number of visitors accessing the Dougherty Creek and Stark Creek Trails would almost certainly be substantially higher. The study captures use under constrained access conditions as if those conditions were natural.

#### **F. The REC-2 Trail Survey Omitted a Critical Question: Where Did Visitors Park?**

The REC-2 trail survey collected information about recreation activities, group size, visitor origin by zip code, and duration of visit. It did not ask trail users where they parked to access the trailhead. This is a foundational omission. Without knowing which parking areas trail visitors used, it is impossible to establish the functional relationship between specific parking locations and specific trailheads—or to assess the impact of closed and inadequate parking on trail visitation.

This gap is directly relevant to the five “incidental” parking areas SCE proposes to eliminate in Table 2. SCE’s adequacy conclusion assumes those areas are functionally substitutable by developed day-use facilities. That assumption cannot be tested without data on which parking areas trail users actually rely on. The absence of parking origin data is a documented deficiency in study design under 18 C.F.R. § 5.15(d)(1): the approved study plan’s objective of characterizing recreation use of Project trails cannot be met without understanding the access pathway—including parking—by which visitors reach those trails.

**KGTC requests, pursuant to 18 C.F.R. §§ 5.15(d) and 5.15(f), that FERC require SCE to supplement the REC-2 study. The formal study modification request, organized per the regulatory criteria, is provided in Attachment A** to these comments. In brief, the supplemental study should: (1) inventory all access-restricting barriers present at project-area trailheads during the study period and estimate their effect on measured counts; (2) install trail counters and survey equipment at the Penstock/Forebay and Overflow Spillway Trail area for a minimum of 12 months after the unauthorized No Trespassing sign has been removed; (3) revise the out-and-back counter assumption for connecting trails; and (4) add a parking origin question to the trail intercept survey instrument, so that the functional relationship between specific parking areas and specific trailheads can be established.

### **III. SCE’s Own Data Confirm That Parking Demand Exceeds Supply**

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**Project nexus:** The undeveloped river access pullouts along SR-178 are not merely generic recreation areas—they are the primary parking points from which hikers access Project trails. SCE’s own DLA, Exhibit E Section 7.10 (p. 7.10-7), describes all five surveyed project trails as trails “that connect to the Forest Service’s Powerhouse Trail,” and four of the five have trailheads reachable directly from SR-178 pullouts. The REC-2 survey data shows trail use numbers substantially higher than boater counts, confirming that hikers are the primary users of these pullouts. Because the trail survey did not ask visitors where they parked (see Section II.F above), there is no direct data quantifying the trail-parking relationship—but the functional connection is plain from project geography: if the pullouts serving the trailheads are full, trail visitors cannot access Project trails. Inadequate parking is therefore directly a Project recreation resource issue, not merely a general highway access question.

SCE’s REC-2 TM, Table 5-9, reports the percentage of available parking filled at undeveloped river access points along SR-178. The maximum percentage filled reached 133 percent on weekends, 250 percent on weekdays, and 150 percent on holidays. These are SCE’s own numbers. They document that existing parking is

already insufficient for current demand—before accounting for the suppression effects described in Section II.

At the March 26 meeting, SCE confirmed on the record that at two specific undeveloped access sites, survey technicians observed more vehicles than the estimated safe capacity—one site with a two-vehicle estimated capacity and another with a three-vehicle estimated capacity. SCE’s response was to note that “developed” day-use areas with delineated parking spaces did not fill to capacity. This is not a response to the problem. Undeveloped river access pullouts serve different and often more trail-proximate functions than developed day-use areas. A visitor seeking to access the Dougherty Creek Trail from the highway does not benefit from available parking at a day-use area a mile away.

SCE’s demand projection further acknowledges that recreation use will grow by approximately 12 percent through 2050 based on projected Kern County population growth. The Commission should recognize that: (1) current parking is already over capacity at key sites; (2) SCE predicts demand will grow; and (3) SCE proposes to eliminate five existing informal parking areas by absorbing them into other facilities. This combination—documented overcapacity, projected growth, and proposed parking reduction—is the opposite of adequate management.

#### **A. SCE’s Treatment of Five “Incidental” Parking Areas (Table 2) Is Unacceptable**

Table 2 of the USR identifies five parking pullouts and informal parking areas within the Project area and characterizes them as “incidental” and “not defined” as recreational facilities. SCE proposes to absorb these areas into adjacent developed day-use areas, asserting that those facilities have “plenty of space.” This proposal is directly contradicted by SCE’s own data and must be rejected.

- **The “incidental” designation is a definitional choice, not a factual finding.** These areas are used regularly by anglers, hikers, and trail users who depend on their proximity to specific trail access points. Proximity matters. A pullout adjacent to a trailhead is not substituted by a developed parking lot a mile away.
- **The “plenty of space” assertion contradicts the same study.** If SCE’s REC-2 data shows undeveloped access sites reaching 250 percent of estimated capacity on weekday counts, absorbing additional users into those same areas without capacity expansion will make an already inadequate situation worse, not better.
- **No visitor preference analysis supports consolidation.** SCE has not surveyed users of the five “incidental” pullouts to determine whether they would, in practice, use a consolidated facility—or simply not visit. The absence of such analysis is a gap in the study record that must be remedied before any consolidation decision.
- **Dispersed parking functions as overflow capacity.** When developed lots fill—as they do on peak days—dispersed pullouts serve as overflow. Removing them without replacement reduces the system’s ability to absorb demand precisely when demand is highest.

**KGTC requests that the Commission require SCE to:** (1) retain all five areas identified in Table 2 as defined recreational facilities subject to maintenance and management obligations; (2) conduct systematic utilization monitoring of those areas for a minimum of 12 months before any consolidation decision is made; and (3) demonstrate with supporting data that any proposed consolidation would not reduce effective parking access for trail users currently served by the affected pullouts.

### **B. The KR1 Powerhouse Parking Area Should Be Opened as a Designated Public Trailhead**

The KR1 Powerhouse site contains the largest accessible parking area in the lower Kern Canyon between Bakersfield and Lake Isabella. It is currently gated and inaccessible to the public despite being the logical western anchor trailhead for the entire project trail system and for the proposed Kern Gateway Trail. No trail counter or survey box was installed at this location during the REC-2 study because SCE declined to open the area for study purposes.

KGTC acknowledges that the access road leading to this parking area is narrow and that the highway entrance and exit on SR-178 presents legitimate safety considerations. These are engineering questions that deserve a proper answer, not a permanent reason to exclude the public. FERC should require SCE to commission a traffic and safety analysis of the SR-178 access point, evaluating: (1) whether road geometry can be modified to make the upper parking area safely usable as a public trailhead; and (2) alternatively, whether a lower parking area adjacent to Highway 178 with a pedestrian-activated signal or pedestrian bridge crossing could achieve the same trailhead function without requiring vehicles to navigate the narrow upper access road. Both options should be evaluated before a conclusion of infeasibility is reached.

### **C. Additional Parking Capacity Is Required**

The overall parking supply within the Project area is insufficient to meet current demand, as SCE's own data confirm. KGTC requests the following parking-related conditions in the new license:

1. **Parking Needs Assessment:** A qualified transportation planner shall quantify the gap between current parking supply and peak demand and identify feasible locations for additional parking within or adjacent to the Project footprint.
2. **Net New Capacity:** SCE shall implement additional parking at trailhead or trail-proximate locations within the Project area, with specific sites and timelines to be established in the Recreation Trail Management Plan.
3. **Traffic Safety Study:** A traffic safety evaluation at locations where parking overflow results in roadside parking on SR-178, with required mitigation measures.
4. **Annual Monitoring:** Annual parking utilization counts at all Project-area parking facilities, including the five Table 2 areas, with results reported to FERC and made publicly available.

## **IV. Trail Safety Conditions Are Suppressing Use and Creating Liability**

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### **A. The Overflow Spillway Trail Remains in “Poor” Condition Due to Unrepaired SCE Infrastructure Damage**

SCE’s own DLA, Table 5-3 of Exhibit E (Overall Condition of Project Access Trails), rates the Overflow Spillway Trail as “Poor” — the worst condition rating in the table. This damage was not caused by natural erosion alone. A 2014 failure of SCE’s penstock infrastructure triggered a major mudslide that closed Highway 178, caused significant property damage, and severely eroded the hillslope above the powerhouse. Investigative reporting by the Bakersfield Californian documented that SCE’s aging penstock infrastructure contributed to the failure and the resulting hillslope damage.

At the March 26 USR meeting, a participant asked about the historical flowline overflow erosion location. SCE confirmed that repairs were made following the storm event and that “additional erosion is not observed in this location today” (USR Meeting Summary, p. A-9). However, SCE’s DLA “Poor” condition rating for the Overflow Spillway Trail indicates that the trail surface—including exposed, eroded footing that creates a safety hazard for hikers—has not been repaired to a condition appropriate for public use.

A trail rated “Poor” condition by the licensee’s own study creates a safety hazard that discourages use, exposes SCE to liability, and represents a failure of the basic stewardship obligation a FERC licensee owes to recreation facilities within the project boundary. Repairing this trail—damage caused by SCE’s own infrastructure failure—must be a condition of the new license.

### **B. Deferred Maintenance Throughout the Trail System Deters Visitation**

Across the project trail system, deferred maintenance has produced conditions that deter casual visitors: eroded tread, blocked drainage structures, and overgrown corridor vegetation that creates a perception of abandonment. These conditions are not incidental to low visitation counts—they cause them. The USR road and trail condition assessment (LAND-1) was completed prior to filing the Initial Study Report and no new results were reported at the March 26 USR meeting. KGTC requests that FERC require a current field condition assessment of all project-area trails, with documented prioritization of repairs and a binding maintenance schedule as a license condition.

## **V. All Project Trails Must Be Classified as Recreation Facilities**

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Under SCE’s current and proposed license, project access trails are classified as operational infrastructure—not recreational facilities. This classification matters. Recreation facility designation triggers maintenance, signage, access, and planning obligations that protect the public’s right to use these trails. Without that designation, SCE can defer maintenance, post unauthorized signage, and block access without regulatory consequence—as the existing record demonstrates.

KGTC’s DLA comments addressed this issue in detail. The core argument remains: SCE’s own DLA, Exhibit E Section 7.10 (p. 7.10-7), describes all five surveyed project

trails as trails “that connect to the Forest Service Powerhouse Trail.” The Powerhouse Trail is the spine that connects these access trails to each other and to the broader trail network. It was built to enable access for project operation and maintenance along the KR1 flow line; SCE’s own engineers field-verified and relied on it to correct SCE’s FERC project maps. A trail that SCE used to define its project boundaries and correct its project maps is properly classified as a project trail subject to maintenance and improvement obligations under the new license.

**KGTC requests that the Commission expressly condition the new license to:** (1) classify all trails within the Project area that are regularly used for public recreation as designated recreation facilities, including the Powerhouse Trail, Cow Flat Creek Trail, Lucas Creek Trail, Dougherty Creek Trail, Democrat Gage Trail, Adit 17 » 18 Trail, Stark Creek Trail, and Penstock/Forebay and Overflow Spillway Trails; (2) require SCE to maintain a current inventory of all classified recreation trails, updated at defined intervals; (3) include the Powerhouse Trail in its entirety within the FERC project boundary, consistent with 18 C.F.R. § 4.41(h)(2) and FERC Order 313, to ensure that SCE’s maintenance obligations are enforceable; and (4) provide that no classified recreation trail may be closed for more than 30 consecutive days without FERC notification and a documented remediation plan with timeline.

## **VI. A Binding Recreation Trail Management Plan Is Required**

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The USR does not propose a binding Recreation Trail Management Plan (RTMP). KGTC submitted a detailed request for such a plan in its DLA comments and reaffirms that request here. The RTMP must be a license condition — not a post-license commitment to develop a plan — and must be developed in advance consultation with KGTC, the Sequoia National Forest, Kern County, and other identified recreation stakeholders. At minimum, the RTMP should include:

5. **Trail Inventory and Classification:** A complete, georeferenced inventory of all trails in the Project area, with each trail assigned a formal classification and maintenance standard.
6. **Maintenance Standards and Schedule:** Defined maintenance standards for each trail class, with annual inspection requirements and documented corrective action timelines.
7. **Signage Standards and Audit:** A signage policy governing all trail signs including closure signs, with a requirement that any closure sign remaining posted for more than 30 days must have a documented basis and a posted remediation timeline. Annual signage audit required.
8. **Parking Management:** A site-by-site parking management component addressing the five Table 2 areas, peak-period demand, and a defined process for evaluating and implementing capacity improvements.
9. **Monitoring and Reporting:** Annual monitoring of trail conditions, visitor use, and parking utilization, with results submitted to FERC and made publicly available within 60 days.

10. **Stakeholder Coordination:** Annual in-person coordination meeting with KGTC, the Sequoia National Forest, Kern County, and other identified stakeholders.
11. **Adaptive Management:** A mechanism for adjusting the RTMP in response to monitoring data, with defined timelines for SCE response to stakeholder-raised concerns.

The RTMP should be filed with FERC within 12 months of license issuance, with a stakeholder review and comment period prior to filing.

## VII. Environmental Justice: SCE Proposes Zero Mitigation for a Majority-Latino, Lower-Income Community

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At the March 26 USR meeting, no questions or comments were received on the Environmental Justice (EJ-1) study. KGTC submits that this silence should not be taken as acceptance. SCE's own DLA, Exhibit E Section 7.14, documents the following: Kern County's per capita income (\$29,201 in 2023) is 40 percent below the California average; 19 percent of Kern County residents live below the federal poverty line; 57 percent of Kern County residents identify as Hispanic or Latino. SCE's own REC-2 visitor survey data found that 47 percent of day-use visitors identified as Latino, with 65 percent reporting household incomes between \$41,000 and \$80,000 and approximately 20 percent reporting incomes below \$40,000.

SCE's proposed response to this profile is found in DLA Exhibit E, Section 7.14.2, which contains a single sentence: "No PMÇE measures related to socioeconomics are proposed as part of the Project." That sentence is the entirety of SCE's environmental justice response. Under FPA Section 10(a)(1), FERC is required to give equal consideration to recreation values alongside power generation. When a project serves a majority lower-income, majority-Latino community with documented recreational access deficits—and when the licensee proposes zero mitigation—that is not a neutral finding. It is a substantive failure of the equal consideration mandate.

**KGTC requests that FERC require SCE to develop an Environmental Justice Recreation Access Plan as a license condition**, including: multilingual signage and trailhead information materials; community outreach and partnership with Bakersfield-area schools, community organizations, and tribal groups; and priority trail infrastructure improvements in corridors most accessible to lower-income communities.

## VIII. FERC Precedent Requires Trail Infrastructure Conditions Here

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The Commission's own precedent directly supports requiring binding trail infrastructure commitments here. In the Poe Hydroelectric Project (FERC No. P-2107), operated by PG&E on the North Fork Feather River, FERC rejected arguments that low trail use counts and high construction costs justified withholding trail infrastructure. In February 2022, FERC ordered PG&E to consult with stakeholders on a final trail route and provide a plan and schedule for construction—not merely a feasibility study. FERC held that even at PG&E's higher cost estimate, trail construction was justified. PG&E's own

consultants described the trail backdrop as “stunning” and the experience as “valuable.” FERC agreed.

The parallels to KR1 are direct: a scenic river canyon in a national forest, substantially dewatered by a run-of-river hydroelectric project, adjacent to a population center with documented unmet recreation demand. SCE’s argument that low trail use counts justify doing nothing maps precisely onto the argument FERC rejected at Poe. The Commission should apply the same standard here.

Under FPA Section 10(a)(1), recreation is a co-equal statutory consideration alongside power generation. A license renewal that does not include meaningful recreational infrastructure—maintained trails, adequate parking, removal of unauthorized access barriers, and a binding management plan—fails to satisfy FERC’s equal consideration mandate.

## **IX. Water Quality: Bacteria Sampling Does Not Represent Dry-Year Conditions**

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At the March 26 USR meeting, a participant raised the relationship between low water flows and elevated coliform levels, noting from personal monitoring experience that “coliform levels were higher on Mondays than on Fridays and higher in the summer than other seasons” and that “when water flows were lower, the numbers of coliform were significantly higher.” (USR Meeting Summary, p. A-4.) A follow-up question asked directly: “Is there a way you can look at earlier data to answer whether there is a difference in coliform values in a wet year compared to a dry year?” SCE responded that it did not have site-specific data for this question. (Id. at A-5.)

The USR’s own AQ-2 results confirm that *E. coli* was present in all samples at all four sampling sites in 2025, and that on the first sampling date, fecal coliform was elevated at all sites with two sites exceeding the Basin Plan 10 percent threshold of 400/100 mL. (USR PowerPoint, Slide 25.) SCE’s post-meeting response asserted that Lake Isabella releases artificially elevated dry-year flows in the Project area, suggesting 2024 and 2025 conditions are “representative.” But this assertion was not demonstrated with site-specific data, and the commenter’s observation—that coliform is higher when flows are lower—was not rebutted with evidence.

**KGTC requests that FERC require SCE to supplement the AQ-2 study to:** (1) provide site-specific analysis demonstrating, with data, whether Lake Isabella release patterns during 2024 and 2025 were in fact representative of typical year-round conditions in the bypass reach; (2) model *E. coli* concentrations under minimum instream flow conditions (15 cfs fall through spring; 50 cfs summer) using existing flow, temperature, and load data; and (3) as a license condition, require SCE to post public water quality advisory information at project trailheads and access points whenever monitoring data indicates bacteria levels exceed California contact recreation standards.

## **X. Whitewater Boating: SCE’s Own Data Show Hundreds of Lost Boatable Days**

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The USR confirmed the REC-3 boatable days analysis results at the March 26 meeting. The data, taken from SCE’s own materials, document a dramatic loss of boatable days attributable to the KR1 diversion over the 11-year analysis period (water years 2014–2024):

- **Cadillacs Run:** 488 boatable days with-project vs. 698 without-project (210 lost days; zero boatable days in 2014, 2015, 2016, 2020, 2021, 2022)
- **Richbar Run:** 649 boatable days with-project vs. 912 without-project (263 lost days; zero boatable days in 2014, 2015, 2016, 2021, 2022)
- **Cataracts Run:** 844 boatable days with-project vs. 1,152 without-project (308 lost days; zero boatable days in 2014, 2015, 2021)

At the March 26 meeting, a participant—representing whitewater recreation interests—noted that the boatable days analysis overweights high-flow days that are not actually usable by most recreational paddlers and underweights the critical low-flow threshold range. The participant stated: “The broader point is the bottom of the flow band (500 cfs) is a little more useful for boaters than the upper point (3,500 cfs).” (USR Meeting Summary, p. A-12.) SCE acknowledged the comment and offered to discuss further offline.

KGTC agrees with this critique and incorporates it by reference. The REC-3 boatable days analysis should be revised to apply a realistic upper boatability threshold reflecting intermediate recreational paddlers’ skill levels (approximately 2,000 cfs rather than 3,500–3,800 cfs), and should specifically quantify how many days per year Lake Isabella releases fall between 800 and 1,200 cfs—the range where the KR1 diversion is the direct cause of an unboatable bypass reach. That lost-boatable-day figure, currently absent from the study, is the most relevant measure of the project’s impact on whitewater recreation opportunity.

**As a license condition, KGTC requests:** (1) revised boatable days analysis addressing the threshold concerns raised at the March 26 meeting; (2) a daily flow forecast requirement for the KR1 bypass reach, publicly accessible, so paddlers can plan around expected conditions; and (3) an evaluation of the feasibility of targeted flow releases on peak recreation days when Isabella outflows fall in the 800–1,200 cfs range.

## **XI. Sediment Management: The Record Confirms a Pattern of Releases Damaging the Fishery**

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At the March 26 USR meeting, a participant raised the documented decline of smallmouth bass in the bypass reach and asked directly whether it was attributable to SCE’s sediment flushing history. SCE’s post-meeting response confirmed that full pond drains have occurred in 2007, 2009, 2012, 2013, and 2018. (USR Meeting Summary, p. A-7.) The fish population data presented at the same meeting shows the result: smallmouth bass were captured at only two of five bypass reach sampling sites in December 2025, with only nine individual fish out of 591 total catch (1.5 percent). In 1999, pre-2001 release, the bypass reach catch included 118 smallmouth bass.

SCE attributed the smallmouth bass decline to “multiple factors” and stated it is “not clear that the lower abundance... is directly a result of sediment management.” (USR Meeting Summary, p. A-7.) The Commission should give this equivocation appropriate weight. The historical record—documented in KGTC’s DLA comments and consistent with the USR meeting data—shows a fishery that was recovering between events and set back by each successive flushing, with the most recent event (2018) occurring well within the period of the current relicensing review.

SCE’s current Sediment Management Plan, filed as Appendix E.1 of the DLA, does not set a maximum single-event release volume, does not establish a fishery threshold, and does not require evaluation of mechanical removal as an alternative to in-river flushing. The new license should impose binding sediment management requirements, not leave those requirements to a post-license plan-to-plan process.

## **XII. Summary of Requested Actions**

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### **KGTC respectfully requests that the Commission:**

12. Require SCE to conduct supplemental REC-2 studies addressing the counter methodology, Penstock/Forebay exclusion, and access barrier impacts identified in Section II, pursuant to 18 C.F.R. § 5.15(d).
13. Retain all five parking areas identified as “incidental” in Table 2 as defined recreational facilities subject to ongoing monitoring and management obligations, and reject any consolidation proposal until supported by utilization data.
14. Require SCE to open or develop additional parking at trailhead-proximate locations, including commissioning a traffic safety analysis for the KR1 Powerhouse parking area as a required license condition.
15. Require SCE to classify all regularly used public project-area trails, including the Powerhouse Trail in its entirety, as designated recreation facilities in the new license, and include the Powerhouse Trail within the FERC project boundary.
16. Require removal of the remaining unauthorized No Trespassing sign at the Penstock/Forebay Trail access road within 90 days of license issuance, and prohibit installation of unauthorized access-restriction signage as a license condition.
17. Require SCE to repair the Overflow Spillway Trail, damaged by SCE’s 2014 penstock infrastructure failure, to a publicly usable condition as a license condition.
18. Condition the new license on the development, filing, and implementation of a binding Recreation Trail Management Plan incorporating the seven components in Section VI.
19. Require supplemental AQ-2 bacteria sampling or modeling under minimum instream flow conditions, and require public water quality advisories at trailheads as a license condition.

20. Require SCE to revise the REC-3 boatable days analysis to apply realistic paddler thresholds and quantify lost boatable days attributable specifically to the KR1 diversion.
21. Require a binding Sediment Management Plan with volume caps, fishery thresholds, and mechanical removal evaluation as a license condition, not a post-license deliverable.
22. Require SCE to develop an Environmental Justice Recreation Access Plan as a license condition, including multilingual outreach and priority trail improvements serving lower-income and Latino communities.

### **XIII. Conclusion**

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The Kern River No. 1 Project operates in one of California’s most scenic river canyons, adjacent to Bakersfield—a city of approximately 500,000 people, predominantly Latino and lower-income, for whom this canyon is the closest unit of the Sequoia National Forest. Generations of residents have been effectively excluded from this landscape by locked gates, unauthorized No Trespassing signs, barbed wire at trailheads, and inadequate parking. SCE’s studies were conducted under those conditions and produced counts that reflect exclusion, not demand. SCE then presented those counts to conclude that nothing needs to change.

The Commission has the authority and the obligation to do better. The Federal Power Act’s equal consideration mandate, the Commission’s own precedent in the Poe proceeding, and the compelling public interest record before the Commission—including 2,329 verified petition signatures, a unanimous Bakersfield City Council resolution, and the on-record admissions made by SCE at the March 26 USR meeting—all support requiring SCE to provide the trail infrastructure, maintenance, parking, and management commitments this community needs.

KGTC appreciates the Commission’s attention to these comments. We are available to provide additional information, participate in technical conferences, or otherwise assist the Commission’s review.

Respectfully submitted,

**Jonathan Yates**

Kern Gateway Trail Committee

A Project of the Kern River Parkway Foundation

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**KERN GATEWAY TRAIL COMMITTEE**  
A Project of the Kern River Parkway Foundation

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**ATTACHMENT A**  
**FORMAL STUDY MODIFICATION AND NEW STUDY REQUESTS**

Pursuant to 18 C.F.R. §§ 5.15(d) and 5.15(f)

**Project:** Kern River No. 1 Hydroelectric Project, FERC Project No. 1930

**Submitting Party:** Kern Gateway Trail Committee, a Project of the Kern River Parkway Foundation

**Study at Issue:** REC-2 — Recreation Facility Use Assessment (Technical Memorandum, as updated through September 2025)

**Date:** May 14, 2026

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## **A-I. Overview of Requested Actions**

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KGTC submits two requests in this Attachment: (1) a modification to the approved REC-2 study plan pursuant to 18 C.F.R. § 5.15(d), and (2) a new study request pursuant to 18 C.F.R. § 5.15(e) and the “extraordinary circumstances” standard applicable at the USR stage under 18 C.F.R. § 5.15(f). Each request is accompanied by the required showing of good cause.

## **A-II. Request 1: Modification to REC-2 Study Plan (18 C.F.R. § 5.15(d))**

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### **A. Description of Requested Modification**

KGTC requests that SCE be directed to modify the REC-2 Recreation Facility Use Assessment to:

23. Install TRAFx infrared counters and visitor survey collection equipment at the Penstock/Forebay Trail and Overflow Spillway Trail access area, after removal of the unauthorized No Trespassing sign at that location, and collect data for a minimum of 12 continuous months.
24. Revise the out-and-back visitor count interpretation for the Cow Flat Creek Trail and any other trail with documented connections to the USFS Powerhouse Trail network, applying a methodology appropriate for connecting and through-hiking trails rather than the blanket two-activation-per-visitor default.
25. Add a parking origin question to the REC-2 trail intercept survey instrument, asking visitors to identify which parking area or pullout they used to access the trail.

26. Prepare a supplemental report documenting the specific access barriers (No Trespassing signs, locked gates, barbed wire obstructions) that were present at each project trail during the study period, and assess their effect on measured visitor counts using established suppressed demand or latent demand methodologies.

## **B. Showing of Good Cause: 18 C.F.R. § 5.15(d)(1) — Studies Not Conducted as Provided for in the Approved Study Plan**

The approved REC-2 study plan was designed to characterize recreation use of Project trails and assess whether Project facilities meet current and foreseeable future demand. As documented in the main letter and below, the study as conducted did not fulfill this objective because key sites were excluded, the counter methodology is inapplicable to connecting trails, and the survey instrument lacked data necessary to support the study's own adequacy conclusions.

**Penstock/Forebay Trail exclusion.** The REC-2 study plan's objective of characterizing recreation use of Project trails necessarily encompasses trails within the Project boundary that provide public access to Project features. The Penstock/Forebay Trail and Overflow Spillway Trail are within the Project area, provide access to Project structures, and are used by the public for recreation. SCE excluded them from counter and survey box installation, citing "security and safety concerns." SCE confirmed this exclusion on the record at the March 26, 2026 USR meeting (USR Meeting Summary, p. A-10). This exclusion was not authorized by the approved study plan and left a structural blind spot at what KGTC believes to be the highest-demand corridor in the project reach. The study was accordingly not conducted as provided for in the approved plan as to this trail segment.

**Out-and-back methodology inapplicable to connecting trails.** The REC-2 TM acknowledges that the Cow Flat Creek Trail "connects to the Forest Service's Powerhouse Trail" (REC-2 TM, Section 5.3.2) and then applies the out-and-back counter assumption anyway, halving the visitor count. The approved study plan's objective was to accurately characterize trail use; applying a methodology SCE itself acknowledges is "not strictly" applicable to a connecting trail does not fulfill that objective. The Cow Flat Creek Trail is 0.14 miles long; SCE's own data show an average visit duration of 2.4 hours at this location—directly inconsistent with an out-and-back interpretation.

**Absence of parking origin data.** The approved REC-2 study plan included an intercept survey component. That survey did not include a question about which parking area visitors used to access the trail. This gap means the study cannot establish the functional relationship between specific parking facilities (including the five "incidental" areas SCE proposes to eliminate) and specific trailheads. The study's adequacy conclusion depends on an implicit assumption that parking and trail access are not functionally linked—an assumption that cannot be tested with the collected data and is contradicted by the project's geography.

### **C. Showing of Good Cause: 18 C.F.R. § 5.15(d)(2) — Study Conducted Under Anomalous Environmental Conditions**

Independently, KGTC submits that the REC-2 study was conducted under anomalous conditions that do not represent the normal access environment for Project trails, warranting modification under 18 C.F.R. § 5.15(d)(2).

**Unauthorized access barriers are anomalous conditions.** The No Trespassing signs posted at the Democrat Gage Trail gate and the Penstock/Forebay Trail access road were not authorized under SCE's existing FERC license or its U.S. Forest Service special use permits. The U.S. Forest Service asked SCE to remove these signs during the relicensing study period. SCE's characterization of these signs at the March 26 USR meeting as "a part of the existing conditions" (USR Meeting Summary, p. A-10) misidentifies a license violation as a baseline condition. Unauthorized signs that the USFS has asked SCE to remove are not normal operating conditions—they are anomalous. A study conducted while unlawfully posted signs deterred the public from accessing the study area does not measure baseline recreation demand.

**The signs' predating the study period deepens rather than resolves the concern.** SCE argued at the March 26 meeting that because the Democrat Gage sign predated the study, it was part of existing conditions and did not affect the study. This argument is incorrect on the regulatory standard. Under 18 C.F.R. § 5.15(d)(2), what matters is whether the study was conducted under anomalous conditions—not whether those conditions were pre-existing. Signs that have been in place for years have accumulated suppressive effect on public behavior that extends far beyond the immediate study window. A study conducted in the shadow of years of unauthorized exclusionary signage captures a suppressed baseline, not an actual one.

### **A-III. Request 2: New Study — Suppressed Recreation Demand Assessment (18 C.F.R. §§ 5.15(e) and 5.15(f))**

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#### **A. Description of Requested New Study**

KGTC requests that SCE be directed to conduct a Suppressed Recreation Demand Assessment for the KR1 Project trail and parking system, using established latent demand or suppressed demand methodologies, to estimate the number of visitors who would use Project trails and associated parking under unimpeded access conditions.

#### **B. Showing of Good Cause and Extraordinary Circumstances**

Because this is a new study request at the USR stage, KGTC must demonstrate extraordinary circumstances in addition to the criteria of 18 C.F.R. § 5.15(e). KGTC addresses each criterion below. The criteria must be addressed "as appropriate to the facts of the case."

##### **18 C.F.R. § 5.15(e)(1) — Material Changes in Law or Regulations**

KGTC is not aware of material changes in law or regulations specifically applicable to this information request since the REC-2 study plan was approved. However, this criterion does not exhaust KGTC's showing; the remaining criteria independently establish good cause.

**18 C.F.R. § 5.15(e)(2) — Why Goals of the Approved Study Could Not Be Met with Approved Methodology**

The approved REC-2 study plan was designed to measure actual recreation use at Project facilities. It was not designed to estimate latent or suppressed demand. These are methodologically distinct objectives: one measures visitors who arrived at the site; the other estimates the larger population who would have visited absent barriers. TRAFx infrared counters and intercept surveys—the approved REC-2 tools—can only capture the former. No modification to the approved REC-2 protocol can produce a suppressed demand estimate; a separate study using travel-cost modeling, comparable-site benchmarking, or barrier-removal scenario analysis is required.

**18 C.F.R. § 5.15(e)(3) — Why the Request Was Not Made Earlier**

The need for a suppressed demand study was not apparent at earlier stages of the relicensing process because the REC-2 data and the on-record SCE admissions that make the adequacy question acute did not yet exist. The REC-2 TM was first distributed in February 2025, with a supplemental version in September 2025. SCE's adequacy conclusion—and the specific contradictory data points, including parking overcapacity figures and the March 26, 2026 USR meeting admissions—became fully available to KGTC only through the USR process. This request is filed at the earliest practicable opportunity.

**18 C.F.R. § 5.15(e)(4) — Significant New Information Material to the Study Objectives**

The March 26, 2026 USR meeting produced significant new information: (a) SCE's on-record admission that parking at two undeveloped access sites exceeded estimated safe capacity; (b) SCE's confirmation that the Democrat Gage Trail bore a No Trespassing sign throughout the study period; and (c) SCE's confirmation that no data was collected at the Penstock/Forebay Trail area. Combined with REC-2 TM Table 5-9's parking utilization figures of 133–250 percent of capacity, this constitutes significant new information establishing that the REC-2 baseline reflects suppressed—not actual—demand, and that a suppressed demand study is necessary for an adequate FERC environmental review.

**18 C.F.R. § 5.15(e)(5) — Study Criteria Under 18 C.F.R. § 5.9(b)**

The requested Suppressed Recreation Demand Assessment satisfies all applicable study criteria under 18 C.F.R. § 5.9(b):

**§ 5.9(b)(1) — Goals and Objectives**

**Goal:** Assess actual recreation demand for KR1 Project trails and parking facilities in the absence of access-suppressing barriers, to provide an adequate informational basis for FERC's environmental review and license condition development.

**Objectives:** (a) Estimate the number of visitors who would use Project trails under unimpeded access conditions; (b) quantify the functional relationship between specific parking areas—including the five Table 2 “incidental” areas—and specific Project trailheads; and (c) provide a data-supported basis for evaluating whether current trail and parking facilities meet present and foreseeable future demand under FPA § 10(a)(1).

### **§ 5.9(b)(2) — Resource Management Goals of Agencies or Tribes**

KGTC is not a resource agency or tribe; this criterion is addressed under § 5.9(b)(3) below.

### **§ 5.9(b)(3) — Public Interest Considerations**

KGTC represents the public interest in recreation access to the KR1 project corridor. The Kern Canyon is the closest unit of the Sequoia National Forest to Bakersfield, a city of approximately 500,000 residents that is majority-Latino and lower-income. KGTC's petition has gathered 2,329 verified signatures from Kern County residents seeking improved trail access. The Bakersfield City Council voted unanimously in support of the Kern Gateway Trail (Resolution No. 185-2024). This documented, organized public demand is directly served by an accurate assessment of whether project facilities are adequate—a question the flawed REC-2 baseline cannot answer. The suppressed demand study directly advances the public interest in ensuring that a 40–50-year license is grounded in accurate recreation data.

### **§ 5.9(b)(4) — Existing Information and Need for Additional Information**

The REC-2 TM provides trail use counts and parking utilization data, but cannot answer the central question: what is actual public demand in the absence of unauthorized barriers? The existing data has three structural gaps: (a) the Penstock/Forebay area—the highest-demand corridor—has no data; (b) the counter methodology undercounts through-hikers on connecting trails; and (c) the survey instrument collected no parking origin data, making it impossible to assess the functional relationship between parking and trail access. SCE's adequacy conclusion is built on this incomplete and suppressed baseline. A suppressed demand study using the methodologies described under § 5.9(b)(6) below is necessary to fill these gaps.

### **§ 5.9(b)(5) — Project Nexus**

The nexus between the KR1 project and the need for this study is direct and multi-layered. First, the Project trails are project facilities—they are within the FERC project boundary, maintained by the licensee, and described in the DLA as project access trails. The licensee's management choices (unauthorized No Trespassing signs, locked gates, blocked parking) directly suppress use of those project facilities. Second, the SR-178 parking pullouts that trail users rely on to access Project trails are the same undeveloped river access sites where REC-2 TM Table 5-9 documents parking utilization of 133–250 percent of capacity. Third, the Project's diversion of the Kern River reduces the primary alternative recreation activity (river running) in the bypass reach, making trail hiking the dominant recreation opportunity—a connection SCE acknowledges in DLA Exhibit E Section 7.10. Understanding actual trail demand is therefore essential to FERC's equal consideration analysis under FPA § 10(a)(1) and to the development of license conditions on trail infrastructure, parking, and the Recreation Trail Management Plan.

### **§ 5.9(b)(6) — Proposed Methodology**

The following methodologies are generally accepted in the recreation economics and resource management literature:

- **Travel-cost modeling:** Using visitor zip code data already collected in REC-2 surveys to estimate willingness-to-travel and total demand for the project

corridor. This method is standard in recreation economics and would leverage existing REC-2 data.

- **Comparable-site benchmarking:** Comparing trail use rates at KR1 project trails with similarly positioned canyon trails in the Sequoia National Forest or comparable national forest units that do not have unauthorized access barriers, to establish a peer-group baseline for expected use.
- **Barrier-removal intercept surveys:** On-site surveys at Project trails conducted after removal of the remaining unauthorized No Trespassing sign (Penstock/Forebay area), specifically asking new and returning visitors whether they had previously been deterred from visiting and for what reason. This captures demand recovery attributable to barrier removal.
- **Parking origin surveys:** Intercept surveys at Project trailheads asking visitors which parking area they used, to establish the functional relationship between each parking facility (including the five Table 2 areas) and each trail.
- **Peak-period parking utilization counts:** Systematic vehicle counts at the five Table 2 parking areas and the Powerhouse lot on at least ten peak-use days per season across spring and summer, to document whether demand at those specific sites exceeds supply.

These methods are feasible within the timeframe available. To the extent the full study cannot be completed before the June 1, 2026 FLA filing, FERC should require SCE to submit a work plan with the FLA and complete the study as a post-FLA deliverable subject to FERC approval.

### **18 C.F.R. § 5.15(f) — Extraordinary Circumstances**

The extraordinary circumstance warranting approval of this new study at the USR stage is the imminent FLA deadline of June 1, 2026. The FLA will contain SCE's proposed recreation measures for a license governing the Project for 40 to 50 years. Those measures are grounded in the REC-2 adequacy conclusion—a conclusion this filing demonstrates is not supported by the study data. If the suppressed demand problem is not corrected before FERC's environmental review is completed, a demonstrably flawed baseline will be embedded in the license record. The combination of: (a) an imminent FLA filing, (b) SCE's on-record admissions of parking overcapacity at the March 26 meeting, (c) SCE's simultaneous proposal to eliminate five existing parking areas, and (d) the complete absence of data from the project's most scenic and highest-demand corridor constitutes the extraordinary circumstances required under 18 C.F.R. § 5.15(f).

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*Attachment A submitted as part of KGTC's Comments on the Updated Study Report and USR Meeting Summary, FERC Project No. 1930, May 14, 2026.*

**Attachment D:  
Distribution List**

Organization	Name/Title	Mailing Address	Email Address
<b>Federal/State/Local Agencies</b>			
Buena Vista Water Storage District	Tim Ashlock, General Manager	P.O. Box 756 Buttonwillow, CA 93206-0756	tim@bvh2o.com
Bureau of Indian Affairs	Charles Jachens	2800 Cottage Way, Rm. W-2821 Sacramento, CA 95825	Charles.Jachens@bia.gov
California Department of Fish and Wildlife	Julie Vance, Regional Manager	1234 E. Shaw Avenue Fresno, CA 93710	julie.vance@wildlife.ca.gov
California Department of Fish and Wildlife	Kern River Hatchery	14415 Sierra Way Kernville, CA 93238	kernriver@wildlife.ca.gov
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California Department of Transportation, District 6	Shane Gunn, Senior Environmental Planner	1352 West Olive Avenue Fresno, CA 93728	shane.gunn@dot.ca.gov
California Sport Fishing Protection Alliance	Bill Jennings	3536 Rainier Avenue Stockton, CA 95204	bjennings@calsport.org
California State Parks	Brendon Greenaway, Senior State Archaeologist		Brendon.Greenaway@parks.ca.gov
California State Water Resources Control Board	Garrett Long	P.O. Box 2000 Sacramento, CA 95812	Garrett.Long@Waterboards.ca.gov
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City of Bakersfield	Kris Budak, Water Resources Department	1000 Buena Vista Road Bakersfield, CA 93311-9735	water@bakersfieldcity.us
City of Banning	Fred Lyn, Deputy Electric Utility Director	176 East Lincoln Street Banning, CA 92220	flyn@banningca.gov
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Kern County Planning Department	Craig Murphy, Interim Director		Murphyc@kerncounty.com
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Organization	Name/Title	Mailing Address	Email Address
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Kern County Water Agency	Thomas McCarthy, General Manager	P.O. Box 58 Bakersfield, CA 93302-0058	tmccarthy@kcwa.com
Kern Delta Water District	Mark Mulkay	501 Taft Hwy Bakersfield, CA 93240	
Kern Delta Water District	Steven Teglia, General Manager	501 Taft Highway Bakersfield, CA 93307	Info@kerndelta.org
Kern Delta Water District			steven@kerndelta.org
Kern Watermaster	Art Chianello	1000 Buena Vista Road Bakersfield, CA 93311	achianello@krwatermaster.org
LA County Beach Commission	Anthea Raymond	2600 Jeffries Ave Los Angeles, CA 90065	anthea.raymond@gmail.com; lariverbeach@gmail.com
NOAA/ National Marine Fisheries Service	Korie Schaeffer, Deputy Regional Administrator	777 Sonoma Avenue, Room 325 Santa Rosa CA 95404	korie.schaeffer@noaa.gov
Office of Historic Preservation	State Historic Preservation Officer	P.O. Box 942896 Sacramento, CA 94296-001	info.calshpo@parks.ca.gov
Tulare County Board of Supervisors	Dennis Townsend, Supervisor District 5	2800 W. Burrel Ave. Visalia, CA 93291	dtownsend@tularecounty.ca.gov
US Army Corps of Engineers	Public Affairs	915 Wilshire Blvd, Suite 930 Loca Angeles, CA 90017	publicaffairs.spl@usace.army.mil
US Fish and Wildlife Service	Elizabeth Menchaca, Fish and Wildlife Biologist	2800 Cottage Way, Room W-2605 Sacramento, CA 95825	elizabeth_menchaca@fws.gov
US Forest Service	Anthony Edwards		anthony.edwards@usda.gov

Organization	Name/Title	Mailing Address	Email Address
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Lone Pine Paiute-Shoshone Tribe	Soo-kaa-ki Charley, Administrator	P.O. Box 747 Lone Pine, CA 93545	tribaladministrator@lppsr.org
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